

Exhibit A- **NFLPA-45**

1

1 NATIONAL FOOTBALL LEAGUE

2 -----X

3 IN THE MATTER OF:

4 EZEKIEL ELLIOTT

5 -----X

6 (C O N F I D E N T I A L)

7

8

9 June 26, 2017

10 10:00 a.m.

11

12 1133 Avenue of the Americas

13 New York, New York

14

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18 Dena M. Sherwood, Court Reporter

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1 A P P E A R A N C E S:

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3 NATIONAL FOOTBALL LEAGUE
4 Management Council
5 345 Park Avenue
6 New York, New York 10017
7 BY: JEFF PASH, ESQ.
8 ADOLPHO BIRCH, ESQ.
9 B. TODD JONES, ESQ.
10 LISA FRIEL, ESQ.

11

12 NATIONAL FOOTBALL LEAGUE
13 PLAYERS ASSOCIATION
14 2021 L Street NW
15 Washington, D.C. 20036
16 BY: NED EHRLICH, ESQ.

17

18

19 ALSO PRESENT: JONATHAN AMOONA, ESQ.
20 FRANK C. SALZANO, ESQ.
21 JASON LAMPERT, ESQ.
22 SCOTT ROSENBLUM, ESQ.
23 PETER C. HARVEY, ESQ.
24 MARY JO WHITE, ESQ.
25 TONYA LOVELACE
 KENNETH HOUSTON
 ROCKY ARCENEUX
 DANA BLOND

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1 I N D E X

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WITNESS:PAGE

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EZEKIEL ELLIOTT

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PROCEEDINGS

1 MR. BIRCH: I am Adolpho Birch with the
2 League Office. We understand this has been
3 a lengthy process for you, Mr. Elliott, and
4 we're glad that you are able to accommodate
5 us and cooperate with this part of the
6 investigation and review.

7 I think the way to start is probably to
8 identify everybody and let everybody say
9 their names so the court reporter can
10 understand and know who is speaking.

11 As I said, I am Adolpho Birch, with the
12 League Office.

13 Why don't we start with your guys and
14 go down.

15 MR. AMOONA: Jonathan Amoona from
16 Winston & Strawn on behalf of the NFLPA.

17 MR. ROSENBLUM: Scott Rosenblum. St.
18 Louis, Missouri on behalf of Ezekiel
19 Elliott.

20 MR. SALZANO: Frank Salzano on behalf
21 of Ezekiel Elliott.

22 MR. LAMPERT: Jason Lampert on behalf
23 of Ezekiel Elliott.

24 MR. EHRlich: Ned Ehrlich for the NFL
25 Players Association.

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PROCEEDINGS

1 MS. LOVELACE: Tonya Lovelace from Women
2 of Color Network.

3 MR. HOUSTON: Kenneth Houston. I am a
4 retired NFL Player.

5 MS. WHITE: I am Mary Jo White, partner
6 at Debevoise & Plimpton.

7 MR. HARVEY: Peter Harvey, partner here
8 at Patterson, Belknap, Webb & Tyler.

9 Mr. ARCENEUX: Rocky Arceneaux on
10 behalf of Ezekiel Elliott.

11 MR. JONES: Todd Jones from the NFL.

12 MR. PASH: Jeff Pash from the NFL.

13 MS. FRIEL: Lisa Friel from the NFL.

14 MR. BIRCH: Dana Blond in the back, who
15 is assisting Lisa.

16 I think a couple of housekeeping notes
17 up front; one, in the early parts at least,
18 make sure you identify yourself in the
19 beginning speaking, so the court reporter
20 can understand and note, keep track of
21 everything.

22 Are you guys -- will you have somebody
23 who is going to act as the, sort of,
24 principal?

25 MR. SALZANO: I will give the layout.

PROCEEDINGS

1 MR. BIRCH: Frank will be the principal
2 on record for them.

3 I will start out, and then we will turn
4 it over to Lisa Friel.

5 Some of us in here have been to these
6 types of meetings before. I know several
7 of you, particularly you, Mr. Elliott, have
8 not. I thought it would be beneficial to
9 take a minute to talk about what we think
10 the purpose of the meeting is, what we
11 expect the order of events will be and kind
12 of lay those things out to give you some
13 guidance.

14 This meeting is being conducted under
15 the NFL's Personal Conduct Policy. It is a
16 confidential meeting with a court reporter.
17 The parties have agreed that we have a
18 court reporter present, so we have a
19 record. We don't consider it to be a
20 public meeting. We don't have any
21 intention of making it so for your
22 information.

23 The purpose of the meeting is to review
24 the investigative reports concerning a
25 series of incidents involving you in July

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PROCEEDINGS

1 of '16 and March of '17. I am pretty sure
2 everybody has been able to review the
3 reports themselves and the attachments and
4 exhibits, so we don't plan to go into
5 extraordinary detail about them, but the
6 purpose of the meeting is to give you an
7 opportunity to provide comments on those
8 reports to explain or clarify any
9 discrepancies you believe you've found in
10 them or your representatives and also to
11 address any open issues or open questions
12 that arise or have arisen during the course
13 of the meeting.

14 In that respect, I should probably
15 mention that under the Conduct Policy the
16 Commissioner can seek the views of outside
17 advisors to assist him in evaluating a
18 potential violation under the Policy.

19 So in this case, the person you met
20 earlier, Tonya Lovelace, Ken Houston, Mary
21 Jo White and Peter Harvey were selected and
22 asked by the Commissioner to perform that
23 function. We have invited them here to
24 ensure that they not only have the benefit
25 of the reports and the information in the

PROCEEDINGS

1 reports, but also the benefit of your
2 discussion and the comments and thoughts
3 that you and your representatives have
4 about them as they formulate their
5 perspectives for the Commissioner.

6 I should say two points about that;
7 one, each of these advisors is committed to
8 being objective, open-minded and fair in
9 how they listen to the information, what
10 they understand it to be. There were no
11 directives given as to their participation
12 by anyone at the League Office or the
13 Commissioner. And, importantly, they're
14 not going to be part of the decision-making
15 process and the determination of this
16 discipline. That is not their function as
17 they well understand and as we understand
18 and as the Policy provides. That matter is
19 committed to the Commissioner. But the
20 role of the advisors is to provide, through
21 their backgrounds and expertise, their
22 perspectives to assist him in formulating
23 his decision as he makes that
24 determination.

25 In terms of an agenda, I think there

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PROCEEDINGS

1 are a lot of moving parts here as everybody
2 can understand, but I think the most
3 orderly way to do it to accomplish what we
4 have to accomplish, and I think we will be
5 doing a limited amount of time no matter
6 how long we spend. So to keep us focused,
7 we thought the best way for us to begin is
8 to initially have our investigator, Lisa
9 Friel, walk through the key facts of the
10 incidents that we are here about, that are
11 under investigation, and asking questions
12 along the way to clear up things or
13 follow-ups from issues that may have arisen
14 during the course of the investigation
15 either before or usually after she may have
16 spoken to you the first time.

17 When we get through that, I think we
18 would then just envision to turning it over
19 to you, Frank, to provide whatever comments
20 you wish to provide or discuss -- do you
21 have a presentation?

22 MR. SALZANO: Mr. Rosenblum is going to
23 be making some closing remarks after -- we
24 figured you wanted to hear from Mr.
25 Elliott, since that is why we are here.

PROCEEDINGS

1 Your outline is very much how we envisioned
2 it. Are you through?

3 MR. BIRCH: No.

4 After we do that, we will then turn
5 attention back to -- we will certainly
6 give the advisors or if others have
7 questions or comments, we will give an
8 opportunity for that. Then we will turn it
9 back sort of separately to talk about the
10 cooperation issues. So we'll do the same
11 process to have Lisa go through and
12 identify the issues with respect to
13 cooperation that we've identified and want
14 to discuss and want to get further
15 information on. And then we will give you
16 the same opportunity to identify those.

17 We thought it would be better to break
18 up the substance from more of the process,
19 the investigative part. And then assuming
20 we have time, certainly closing-type
21 remarks, and then final comments from the
22 advisors or you or anyone, we will be happy
23 to accommodate that as well.

24 MR. EHRLICH: I want to make sure that
25 it is clear that you and I have discussed

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PROCEEDINGS

1 before this that this is not the final
2 word. We have reserved, obviously, the
3 right to, after this meeting, to present
4 our written summary and response to the
5 report and exhibits that were produced.
6 This will not be the forum to do that. And
7 obviously we will ask that the panel be
8 given the opportunity to consider our
9 written submission afterwards.

10 There is going to be a discussion about
11 the subsequent requests that came literally
12 the day before this report came to us for
13 additional information. I am happy to
14 discuss that.

15 MR. BIRCH: Sure. I think to that
16 point, we can address that in the second
17 sort of tranche of information. I have
18 already relayed some of the issues that you
19 raised on that. I think that would be
20 fitting to at least have some discussion
21 about that.

22 MR. EHRLICH: Great.

23 MR. BIRCH: We wholly agree with you on
24 the ability to, this is not his final
25 hearing. To the extent that there is a

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1 disciplinary determination, Mr. Elliott
2 will have the opportunity to file a full
3 right of appeal, do everything in that
4 respect under our Policy without any
5 issues.

6 We certainly are open and willing to
7 accommodate subsequent submissions. I
8 would though, stress, and I think it is in
9 everybody's interest, yours as well, Mr.
10 Elliott, that from a timing standpoint, we
11 all need to be very focused on trying to do
12 all of the parts that we need to do as soon
13 as we possibly can do them. There are a
14 lot of moving parts here and every piece
15 can lead to another delay of some sort.
16 And I think it is in everyone's interest
17 that we try to get this resolved and
18 resolved in a timely matter.

19 With that, unless there are any more
20 questions, any of the advisors have
21 questions? Okay, with that, I will turn it
22 over to Lisa Friel.

23 MS. FRIEL: Good morning, everyone. As
24 you've heard, I have been asked to lay out
25 the potential areas that Mr. Elliott could

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PROCEEDINGS

1 possibly be disciplined for so we can all
2 focus our discussion today on those areas.

3 To start with, we are not, as we said
4 in the report, looking at any acts that may
5 or may not have occurred prior to Mr.
6 Elliott signing a contract with the Dallas
7 Cowboys. We are solely looking at acts
8 that may have occurred the week of July 16
9 through 22, 2016 and the day of the St.
10 Patrick's Day Parade in Dallas, March 11,
11 2017. So let me lay out the basics of
12 those incidents as the investigation has
13 revealed them to be.

14 To help everyone follow along today, I
15 prepared a timeline, because all the dates
16 and the days of the week get very
17 confusing, especially because so many of
18 these incidents happened in the early
19 morning hours, people commonly, if they
20 went out for Saturday night and something
21 happened Saturday night, technically it was
22 Sunday morning in the early morning hours,
23 but people keep calling it Saturday night.
24 That is a common thing for people to do. I
25 thought it would make it easier. You can

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1 keep them and put notes on these if you
2 want. I thought it would be helpful for
3 everyone to have one. I will pass these
4 around.

5 You will see on the timeline it lays
6 them out; you've got Saturday, July 16 on
7 the far left to Saturday, July 23 on the
8 far right, the different dates in between.
9 I've indicated in the top parts of the
10 timeline, the alleged incidents in the
11 proper place. The bottom part of the
12 timeline, arrows down, showing when certain
13 photographs were taken. Then there are a
14 couple of other key details that I thought
15 would help everybody focus where we were on
16 this timeline as we went along.

17 So let me lay out the incidents at this
18 point that based on our investigation that
19 we feel are potential areas that Mr.
20 Elliott might face discipline for.

21 Starting with July 17, the so-called
22 FaceTiming incident. Mr. Elliott and his
23 friend, Alvarez Jackson, arrived in
24 Columbus, Ohio late in the afternoon, the
25 day before, Saturday, July 16, 2016.

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PROCEEDINGS

1 Tiffany Thompson picked them up at the
2 airport and took them back to the Canvas
3 Back Lane apartment that Mr. Elliott had
4 been renting his senior year at Ohio State.
5 They went out that night, the three of
6 them. They went to a bar downtown, they
7 were drinking, and got back very late.

8 So now it is four or five o'clock in
9 the morning, Sunday morning, July 18. Mr.
10 Elliott got a FaceTime call from a woman in
11 Dallas. Miss Thompson told our
12 investigators that this upset her. That
13 she and Mr. Elliott had an argument that
14 became a fight and the fight became
15 physical. She said he committed a number
16 of acts of physical assault against her
17 during that physical fight and these acts
18 caused her injury.

19 Mr. Elliott told us that the call did
20 come in as Miss Thompson had described,
21 that Miss Thompson did question him about
22 it but that no argument or fight ensued and
23 that he never physically assaulted her.
24 Not that night or any other time that week.

25 The other evidence that was gathered

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1 relevant to this alleged incident has been
 2 laid out in the report. I am not going to
 3 go into it now. It is not necessary for
 4 the purposes of laying out all the
 5 potential areas for which Mr. Elliott might
 6 face discipline and besides you people
 7 don't want to be here for three days. You
 8 all have the report. You've all read the
 9 report. You can refer back to anything you
 10 want in the report. But it does lay out,
 11 as you know, in some detail, all the other
 12 evidence that we gathered and lays it out
 13 chronologically after each incident. So
 14 you can assess it like that. That is the
 15 alleged incident number one.

16 Number two, is the alleged incident
 17 that occurred on July 18 at about 3 a.m.
 18 after Mr. Elliott had come home from being
 19 out with his friend, Alvarez Jackson, and
 20 he found himself locked out of his
 21 apartment because he had left before
 22 Tiffany left that night. He left her with
 23 his keys so she could lock up when she
 24 left. And she was still out when he got
 25 home. She arrived some time after he and

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1 Alvarez got back to the parking lot of the
 2 apartment. She said an argument ensued,
 3 she says during which Mr. Elliott
 4 physically assaulted her while removing the
 5 keys from her. While not specifically
 6 addressing this incident in the interview
 7 on September 28, Mr. Elliott did say that
 8 he had not assaulted her at any time that
 9 week. So I would say with regard to that
 10 incident, he has made a denial that any
 11 physical assault occurred on the night that
 12 he was locked out.

13 The third alleged incident occurred on
 14 Tuesday, July 19, about 9 a.m., when Mr.
 15 Elliott got back to the Canvas Back Lane
 16 apartment after having been out all night.
 17 Miss Thompson had slept in the apartment
 18 that night. Mr. Jackson had stayed in the
 19 apartment that night. Mr. Elliott came
 20 back early in the morning.

21 Miss Thompson told our investigators
 22 that there was an argument when Mr. Elliott
 23 arrived home, during which she says, Mr.
 24 Elliott physically attacked her and left
 25 her injured. Mr. Elliott denied this.

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1 The fourth alleged incident occurred on
 2 Thursday, July 21, at about 4 a.m.

3 Let me put this in a little
 4 perspective. After the third alleged
 5 incident that I just described, the one
 6 that occurred after Mr. Elliott had stayed
 7 out all night, apparently, after whatever
 8 happened that morning, whatever discussion
 9 they had about Mr. Elliott staying out all
 10 night, they spent the day together. They
 11 stayed in that evening. They did not go
 12 out that evening. And slept together that
 13 night. Woke up the next morning. I will
 14 point out that is the only day for which
 15 there is not an alleged incident of
 16 physical assault, the night they did not go
 17 out together drinking.

18 On Wednesday, the 20th, Mr. Elliott
 19 moved out of his Canvas Back Lane apartment
 20 and he moved over to the Carriage House,
 21 where he was supposed to stay for a couple
 22 of nights before he left Columbus, as he
 23 was scheduled to do at the end of the week.

24 That day, Wednesday, he met Tiffany at
 25 the mall. He, Tiffany and Alvarez had

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PROCEEDINGS

1 dinner. They all ended up back at the
 2 Carriage House apartment. They went out
 3 that night, they came back to the Carriage
 4 House at about 4 a.m. So now, it is July
 5 21. And this is the time at which the
 6 alleged fourth incident occurred.

7 Miss Thompson told our investigators
 8 that when they came out of the bar that
 9 night, where they had been drinking, that
 10 Alvarez Jackson was sitting in the driver's
 11 seat of Mr. Elliott's car, that she got
 12 into the passenger seat and that Mr.
 13 Jackson and Mr. Elliott had an argument
 14 about who was going to drive home. Mr.
 15 Jackson stating his belief that Mr. Elliott
 16 was too drunk to drive home and Mr. Jackson
 17 wanted to do so.

18 Miss Thompson told us that Mr. Elliott
 19 pulled Mr. Jackson out of the car, got in
 20 the car and drove off with Miss Thompson in
 21 the car, leaving Mr. Jackson behind at the
 22 bar having to find his own way home.

23 Miss Thompson told us that she and Mr.
 24 Elliott began arguing about this, that the
 25 argument continued when they got back to

PROCEEDINGS

1 the Carriage House. That, again, it became
2 physical and she said Mr. Elliott
3 physically assaulted her. She said, again,
4 this caused her some injuries. Mr. Elliott
5 denies that he did so.

6 The last alleged incident in July of
7 2016 is alleged to have occurred in the
8 early morning hours of July 22 in the
9 parking lot of the Carriage House. Given
10 what our investigation has revealed, Mr.
11 Elliott does not face any discipline for
12 anything that occurred on that date in the
13 parking lot.

14 The last incident for which he does
15 face possible discipline is what happened
16 on March 11, 2017.

17 On that date, there was a St. Patrick's
18 Day Parade in Dallas, Texas. Mr. Elliott
19 was on a roof of a restaurant in Dallas
20 called Dodie's with a number of other
21 people. And he faces discipline for his
22 interactions and contact with a young woman
23 who was standing next to him on that roof,
24 a woman who we identified and whose name is
25 Annie Gomez. As the video evidenced and

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PROCEEDINGS

1 Ms. Gomez confirmed, he pulled down her
2 top, exposing her breast. And then a few
3 moments later reached over and touched her
4 breast.

5 So as you all know, we have done a long
6 investigation, interviewed a number of
7 people, Mr. Elliott, obviously you back in
8 September, Miss Thompson a number of times,
9 and some other people. We have gathered
10 lots of other evidence from various
11 sources; police, City Attorney's Office,
12 your lawyers, other witnesses we've
13 interviewed.

14 We were able to image two cell phones
15 during our investigation, both Miss
16 Thompson's and her aunt's, Elaine Glenn.
17 That allowed us to cover thousands of
18 relevant text messages, as well as other
19 digital material; photographs, call logs,
20 etcetera.

21 Much of that information we obtained
22 after we met with you on September 28,
23 2016. So we very much appreciate that you
24 came here today, that you are willing to
25 answer some questions about this additional

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1 evidence that we developed during our
2 investigation.

3 I am going to ask you some questions,
4 some details about what happened that week
5 and on March 11, 2017. And I am hoping
6 that you can help all of us understand what
7 happened; why you did certain things, why
8 you said concerning things, why you texted
9 certain things that week.

10 If anything I ask you isn't clear when
11 I ask you, please stop me and just tell me
12 I don't understand what you are asking and
13 I will rephrase the question. I don't want
14 you guessing at what I'm trying to ask, so
15 don't hesitate at all to say I don't really
16 get what you are asking. I am a lawyer
17 after all, sometimes we ask convoluted
18 questions. Just ask me if you want me to
19 rephrase it.

20 EXAMINATION BY

21 MS. FRIEL:

22 **Q.** Let's start at the beginning of that
23 week on July 16. You arrived on that Saturday,
24 right, on Saturday, July 16, correct?

25 **A. Yes.**

23

E. ELLIOTT

1 **Q.** I know she is going to say this in a
2 minute because you are talking softer than me and
3 I thought I was loud. You are going to have to
4 speak up or she will keep stopping you.

5 **A. Yes.**

6 **Q.** Your friend Alvarez Jackson came with
7 you, correct?

8 **A. Yes, he did.**

9 **Q.** Miss Thompson, I think you told Miss
10 Roberts, Kia Roberts, who interviewed you back on
11 September 28. I think you said to her, your words
12 were: Tiffany wasn't supposed to be with you at
13 all that week. That after she picked you up at
14 the airport, she was just supposed to drop you
15 off, correct?

16 **A. That's correct.**

17 **Q.** Whose idea was it, yours or hers, that
18 she would come to the airport and pick you up that
19 Saturday?

20 **A. It was her idea. Before coming to**
21 **Columbus I told her it was a good idea that we**
22 **stopped talking. I wanted to end the**
23 **relationship, the friendship, and so I told her I**
24 **was coming back to Columbus but we shouldn't be in**
25 **contact. She begged me and asked me, okay, just**

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1 **let me come pick you up from the airport and let's**
2 **talk one final time and then I will leave you**
3 **alone.**

4 **Q.** So, Mr. Elliott, in response to my
5 question, you just told us that it was Tiffany's
6 idea to pick you up at the airport and that you
7 really hadn't wanted her to, you didn't want to
8 see her at all that week; is that correct?

9 **A. That's correct.**

10 **Q.** Did you consider just telling her, no,
11 don't pick me up. I don't want to see you all
12 week, and having someone else pick you up at the
13 airport?

14 **A. I did, but I mean I knew that if I did**
15 **that, I was going to see her regardless.**

16 **Q.** Okay. And so you are saying you let her
17 pick you up because you were going to see her
18 anyway, but you didn't want to see her all week
19 long, right?

20 **A. I was trying to get the conversation --**
21 **I have been back to Columbus several times since**
22 **the incident and every single time somehow Miss**
23 **Thompson, without having contact with me, shows up**
24 **to several places where I go. So I thought that**
25 **eventually I was going to have a confrontation**

25

E. ELLIOTT

1 **with her, so why not get it out the way before I**
2 **got there.**

3 **Q.** When you got back to your apartment,
4 your Canvas Back Lane apartment on the 16th, did
5 you have that conversation right away so you could
6 be done with it that week?

7 **A. We did.**

8 **Q.** But she went out with you that night,
9 correct?

10 **A. She did.**

11 **Q.** And came back and slept with you that
12 night as well?

13 **A. She did.**

14 **Q.** I want to ask you a couple of questions
15 about some text messages that we got out of
16 Tiffany's phone that we didn't have when they last
17 spoke with you. It is page 25 in the report.

18 On July 11, so a few days before you
19 were coming back to Columbus, she texted you and
20 she said she could get you from the airport when
21 you arrived depending on what time you got in, but
22 she could not see you Friday or Saturday. She
23 said she was going to take you home, give you your
24 keys, and I think as she put it, have a good day.
25 She was telling you in this text message she was

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1 going to drop you off and leave. That sounds to
2 me you were going to get what you wanted, she was
3 going to leave and you were going to be done with
4 her for the week, correct?

5 **A. Yes, ma'am.**

6 **Q.** If you would, I am going to read you
7 your response back. And if you would, explain to
8 us why you would say these things back. You
9 stated back to her in a text: "Why can't you see
10 me? Can you please stop bottle serving?"

11 I take it you thought that is why she
12 couldn't see you Friday and Saturday night,
13 because she was going to have to work in bottle
14 service; is that correct?

15 **A. I'm not sure.**

16 **Q.** You went on to say: "Like this whole
17 shit made me realize I can't be done with you.
18 Like you are the only person I really feel
19 comfortable talking to about anything. Like how
20 do I push us out of my life when you are the first
21 one that I come to when I have a problem. I'm
22 sorry things were just really, really hard, but
23 that shouldn't have been a reason to give up."

24 That sounds to me, if I'm wrong, please
25 correct me, like you're apologizing, and you want

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E. ELLIOTT

1 to keep working on the relationship. That doesn't
2 sound to me like you want to get rid of her that
3 week. Can you explain to me why you said those
4 things that week if you wanted to get rid of her
5 and wanted to break up?

6 **A. I had cared about her. We had our ups**
7 **and downs. Some days we felt like we wanted to**
8 **work on things, some days we didn't.**

9 **Q.** This is five days before you came to
10 Columbus, that you don't want to push her out of
11 your life, that you want to be with her. Is it
12 fair to say that is how you were feeling on July
13 11 when you texted that to her?

14 **A. Yes, ma'am.**

15 **Q.** On July 12 she responded to what you
16 said. She said, "I can see you, but I just want
17 you to know this time you've completely broken me.
18 I'm lost for words, honestly."

19 She goes on to talk about the arguments
20 you had. "I love you more than the world,
21 Ezekiel, but I can't do the games anymore, the
22 fighting, the lying. I am numb to it now."

23 It sounds again that she is giving you
24 the opportunity to walk away, to say you're right,
25 we should break up. Would you agree with me that

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1 that is what that sounds like there what she is
2 saying to you?

3 **A. I agree.**

4 **Q.** And you respond back to her: "But if
5 you want to be done, just let me know."

6 Why would you say that back to her, "if
7 you want to be done, just let me know?"

8 You are telling us you wanted to be
9 done. Why would you give her that kind of
10 opening?

11 **A. Like I said, it was an up-and-down**
12 **relationship. At times we felt certain ways, and**
13 **sometimes we felt opposite.**

14 **Q.** You would agree with me this is now July
15 12, four days after you come to Columbus; on that
16 day, you were again feeling you wanted to be with
17 her?

18 **A. Yes, ma'am.**

19 **Q.** On July 15, the day before you came back
20 to Columbus, you texted her and you said, "I'm
21 coming back. I'm seeing you. I miss you." To
22 which she replied: "That is not a good idea."

23 It sounds again to me like on this day,
24 July 15, that you are the one that wants to see
25 her and she is the one saying no. Would you agree

29

E. ELLIOTT

1 that that is what was going on July 15, the day
2 before you came back to Columbus?

3 **A. If that is what it says, yes.**

4 **Q.** You go on after she says, "It is not a
5 good idea." And you respond: "Why not? So don't
6 you want to work on things?" She says, "Working
7 on things is old."

8 So, again, would you agree with me that
9 that sounds like you're the one that wants to work
10 on the relationship and she is the one that wants
11 out at this point?

12 **A. Yes, ma'am.**

13 **Q.** And then the last thing that you tell
14 her -- let me rephrase that.

15 On July 16, apparently you missed the
16 first flight you were supposed to take; is that
17 right?

18 **A. I cannot remember.**

19 **Q.** Okay.

20 There are text messages that seem to
21 show that you missed the flight and she was upset
22 about it and that you texted her and said, quote,
23 "Calm the fuck down." And then you said to her:
24 "Let me know if you want to get me or not. Love
25 you. I really am looking forward to seeing you."

E. ELLIOTT

1 So that is the day that you arrived in
2 Columbus. So would you agree with me on that day
3 it sounds like you were still in the mood to work
4 on the relationship and be with her?

5 **A. Yes, ma'am.**

6 **Q.** I want to talk about some of the
7 injuries that Tiffany has alleged to us that you
8 caused her that week. I want to specifically look
9 at some of the injuries we know from photographic
10 evidence were on her body before the so-called
11 July 22 "girl fight." That is what I am going to
12 call it for lack of a better word. We are all
13 going to understand then what we are talking
14 about. That would be then, the fight in the
15 parking lot outside The Social, two in the
16 morning, July 22, where Miss Thompson and another
17 woman were pulling each other's hair and whatever
18 else happened. There is some dispute about
19 exactly what happened. I want to talk about
20 injuries that were on her body before that morning
21 as evidenced by photographs.

22 Mr. Elliott, I think you know your
23 friend, Alvarez, said in a sworn affidavit, that
24 he was with you two, you and Tiffany, almost the
25 entire week, including sleeping in your apartment

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E. ELLIOTT

1 on all but one night that Tiffany slept there.
2 And he said he never saw any injury anywhere on
3 her body that entire week; are you aware of that?

4 **A. I am.**

5 **Q.** When you were interviewed back in
6 September, you said at one point in your interview
7 that you saw and I will quote your exact words,
8 "nothing out of the ordinary," with regard to
9 injuries on her body.

10 And then you were asked a little later
11 in the interview: "Well, did you see any injuries
12 on her body that week?" And you said that you did
13 not recall seeing any injuries on her body that
14 week.

15 So could you clarify that for me. Did
16 you see no injuries on her body or is it nothing
17 out of the ordinary? And if it's the later, I
18 have to ask you what you meant by that. Did you
19 see any injuries on her body that week?

20 **A. When you say, "injuries," what do you**
21 **mean.**

22 **Q.** Any bruises, any scrapes, any cuts, any
23 swelling, any redness.

24 Let me ask you: Have you seen all the
25 photographs that were attached as exhibits to the

E. ELLIOTT

1 report?

2 **A. I've seen some of them.**

3 **Q.** You haven't seen all of them?

4 **A. No.**

5 **Q.** Okay.

6 Well, we'll show you some of them today.

7 So I will make sure that you've seen all the
8 relevant ones and you tell me if you saw those
9 injuries.

10 Let's go back to -- you know what a
11 bruise is, yes?

12 **A. Yes, ma'am.**

13 **Q.** Cut?

14 **A. Yes, ma'am.**

15 **Q.** Scrape?

16 **A. Yes, ma'am.**

17 **Q.** If someone's eye is a little red and
18 swollen and puffy and looks like it might have
19 struck something, do you know what that looks
20 like?

21 **A. Yes, ma'am.**

22 **Q.** So did you see any injuries like that on
23 Miss Thompson's body during the week of July 16,
24 2016 through the 22nd?

25 **A. Well, when I was asked that, when you**

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1 interview specifically said to you: "Did you see
2 any injuries on her body that week?" Not in the
3 past when she may have fallen down, but between
4 the 16th and the 22nd and you said, "No." Now you
5 are telling us that you did see bruises and
6 injuries of that nature on her body. Can you
7 explain the difference between what you are
8 telling me now and what you told Miss Roberts?

9 **A. There was just confusion in that**
10 **previous interview.**

11 MR. EHRLICH: Did Kia give him the
12 descriptions that you just gave today to
13 him in that interview that you are talking
14 about?

15 MS. FRIEL: Kia showed him photos.

16 MR. EHRLICH: Did she give a
17 description and explain to him what it is
18 that she was asking for when she was asking
19 him?

20 MS. FRIEL: We can look back and look
21 at the transcript and see exactly how she
22 phrased it. She certainly used the word,
23 "injuries," to him and at some point showed
24 him photos of bruises and injuries, to
25 which he said the only injury on her body

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E. ELLIOTT

1 **said, "injuries," I assumed that Miss Kia said**
2 **injuries from me. She did have bruises, she had**
3 **hickies on her neck. But, then again, Tiffany**
4 **always had bruises and always had stuff like that.**
5 **She partied a lot and she took a lot of pills. So**
6 **she would get fucked up and she would fall all**
7 **over the place and she bruised easily.**

8 **Q.** I recall in the transcript that you did
9 tell Miss Roberts that she would fall down
10 sometimes, that those kinds of things happened in
11 the past and she would have, in the past, those
12 injuries. But Miss Roberts specifically asked you
13 if you saw any injuries on her body that week, not
14 in the past, when you arrived the 16th through the
15 time you were with her on the 22nd, and you said,
16 no; can you explain that discrepancy to me?

17 **A. I am confused what you are asking me.**

18 **Q.** Okay.

19 When Miss Roberts first asked you the
20 question about injuries, you responded similar to
21 what you just said. You said that nothing out of
22 the ordinary. That she would get drunk. She
23 would fall down and things like that and would
24 have bruises from that.

25 Miss Roberts, a little later in the

35

E. ELLIOTT

1 that he recalled seeing that week was what
2 you referred to as a hickey on her neck,
3 correct?

4 MR. ELLIOTT: Yes, ma'am.

5 **Q.** I believe during the interview with Miss
6 Roberts, she showed you two photographs actually
7 of what you identified as the hickey on Tiffany's
8 neck, correct?

9 **A. Yes, ma'am.**

10 **Q.** Can you tell us now -- so now you are
11 telling us that you did see some bruises, cuts,
12 injuries of that nature on Tiffany's body that
13 week. Can you tell us when did you first notice
14 that Tiffany had these kinds of injuries on her
15 body that week?

16 **A. I can't really tell you. I mean, every**
17 **time we go out she may fall, something may happen.**
18 **She would get bruises. She always had bruises.**
19 **So it was not like I was every day looking,**
20 **surveying her body to see what bruises she had.**
21 **She always had bruises.**

22 **Q.** You said she would always fall down.
23 Was there any time that week while she was with
24 you that she fell down?

25 **A. I'm not sure.**

E. ELLIOTT

1 **Q.** Was there any time while she was with
2 you that week that she fell into some kind of hard
3 object; a wall, a door or anything else that might
4 have caused a bruise on her?

5 **A. I'm not sure.**

6 **Q.** Can we talk about what you call a
7 hickey. And you read the report -- have you read
8 the report, Mr. Elliott?

9 **A. I skimmed through it.**

10 **Q.** Did you see that the doctors that the
11 League consulted with are calling that injury a
12 bite mark, not a hickey?

13 **A. I did not see that.**

14 **Q.** So I will tell you, both doctors that we
15 consulted with, both said that that is a bite
16 mark, teeth. They can see indentations of your
17 teeth in the side of her neck. Did you bite her,
18 Mr. Elliott?

19 MR. SALZANO: I would like to clarify.
20 I don't believe the report said that they
21 were Mr. Elliott's teeth.

22 MS. FRIEL: I didn't say they were.

23 MR. SALZANO: You did.

24 MS. FRIEL: Oh, I'm sorry. I will
25 rephrase.

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E. ELLIOTT

1 **Q.** Well, you identified in the two
2 photographs that Miss Roberts showed you, you said
3 that that is the hickey that I gave Miss Thompson
4 that week, correct?

5 **A. Yes.**

6 **Q.** That is what you told Miss Roberts?

7 **A. Yes.**

8 **Q.** So the two doctors that we consulted
9 with looked at the same two photographs and they
10 described those injuries not as hickies, but as
11 bite marks, forceful bite marks. I am asking you
12 if you bit Miss Thompson on the neck that week
13 while you were there?

14 **A. I call that a hickey. We had sexual**
15 **relations that at times got rough. I did see in**
16 **the report that she admitted that we had rough**
17 **sex. And so, I mean, what I call hickies maybe I**
18 **could have used a little bit of my teeth, but it**
19 **wasn't like me assaulting her.**

20 **Q.** Can you tell me when during that week
21 you believed that you left that bite mark on the
22 side of her neck?

23 **A. I cannot.**

24 **Q.** Was it earlier in the week or later in
25 the week, do you know?

E. ELLIOTT

1 **A. I cannot.**

2 **Q.** Can you tell us the best you do remember
3 where you observed any other injuries on Tiffany's
4 body that week?

5 **A. Elbows, knees.**

6 **Q.** Okay. Elbows and knees?

7 **A. Hip.**

8 **Q.** One hip or both hips?

9 **A. One.**

10 **Q.** And can you describe for me -- let's
11 start with the elbows. What kinds of injuries did
12 you see on her elbows?

13 **A. Bruises.**

14 **Q.** Bruises?

15 **A. Yes, ma'am.**

16 **Q.** On one or both elbows?

17 **A. I can't remember, that was a year ago.**

18 **Q.** When you say, the elbow, on the outside
19 of the elbow or the inside of the arm?

20 **A. Inside elbow, outside, like through**
21 **here.**

22 **Q.** So you're indicating for the record from
23 the outside, the point of the elbow, all the way
24 around to the inside, where the arm bends; is that
25 correct?

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E. ELLIOTT

1 **A. Yeah.**

2 **Q.** And how about on her knees; what did you
3 see on her knees?

4 **A. Bruises, scrapes.**

5 **Q.** Can you tell me on the front of her
6 knees, on the back of her knees or both?

7 **A. Probably the front.**

8 MR. SALZANO: Don't guess; if you
9 recall.

10 **A. I don't remember.**

11 **Q.** Okay.

12 And I will just ask you: Did you say
13 probably the front because that would be the
14 logical place to get an injury if you fell down?

15 **A. What are you asking me?**

16 **Q.** I am asking you if you just said
17 probably on the front of the knees because that is
18 the logical place that somebody gets injured if
19 they fall down?

20 **A. Yes.**

21 **Q.** So elbows, knees, and you said on one
22 hip. Can you describe the injury on the one hip
23 that you saw?

24 **A. It was a bruise.**

25 **Q.** Can you describe the size of the bruise

E. ELLIOTT

1 for me?

2 **A. How do you want me to describe the size?**

3 **Q.** Small, medium, big? You show me with
4 your hand.

5 **A. Probably say medium.**

6 MS. FRIEL: Indicating we are talking
7 about two, three inches by four, five
8 inches across.

9 MR. SALZANO: Yeah, approximately.

10 MR. EHRLICH: Yes.

11 **Q.** Do you remember what color it was? I am
12 sure you've had bruises yourself, many of them
13 playing football. You know how they are black and
14 blue and then they start changing colors. Could
15 you tell me what color that bruise on her hip was
16 that you saw that week?

17 **A. It was purplish. But I don't really**
18 **know much about bruising. I am black. We don't**
19 **bruise that much.**

20 **Q.** But you spent the better part of the
21 last good year, year and a half with Tiffany, who
22 is white and very pale, correct?

23 **A. Yes.**

24 **Q.** And you said you saw her bruised often,
25 correct?

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1 **A. Yes.**

2 **Q.** So you may not bruise, but you got to
3 see how bruises developed on your girlfriend's
4 body, right?

5 **A. She was not my girlfriend.**

6 **Q.** Okay, we will get to that.

7 But you got to see how bruises developed
8 on Tiffany's body over the year, year and a half
9 that you spent a lot of time with her, correct?

10 **A. I guess.**

11 **Q.** So I am putting up on this easel a
12 series of photographs that in the report were
13 identified as Exhibits 3A through F. Photographs
14 that, when we had forensic digital experts look at
15 the photographs, that they both told us that the
16 metadata revealed that these photographs were
17 taken in the area of your apartment on Canvas Back
18 Lane, on July 18, in the afternoon. Okay.

19 So let me ask you: I am going to point
20 first to a photograph that says 3A under it. It
21 is identified in the report as 3A. Have you seen
22 these photographs, this series of six photographs
23 before?

24 **A. I've seen them.**

25 MS. FRIEL: One thing let me just

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1 say -- and keep that up for him -- that
2 about the photographs, that they look
3 different digitally, a little. They are
4 clearer digitally. The colors look a
5 little different digitally. I have them
6 here if anybody, for any reason, we can
7 bring them up. The reason we did it like
8 this was just to speed this along. So I
9 don't have to PowerPoint one through the
10 other through the other. Plus, this lets
11 anybody who wants to -- and I have some
12 questions for Mr. Elliott -- let's you see
13 the series all together and the coloring of
14 how one series looks different than another
15 series.

16 The other thing too, while we are
17 getting this up, I will say about the
18 digital images, is they look different if
19 you turn all the lights out in the room and
20 you look at them so it's darker in the room
21 and get up close to them. Both the doctors
22 that we asked to look at the photographs
23 and give us their opinions of the injuries
24 based on how they look in the photographs
25 looked at digital images, did so in rooms

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1 that were dark, because we met with them
2 and we did that and I know they both told
3 me that they did that back in their own
4 homes to examine them. So it just gives
5 you an idea.

6 So you are looking at 3A, and you can
7 see it here in the photograph. So it just
8 gives you an idea of coloring and clear
9 injuries. If I turned all the lights out,
10 they would look sharper as well.

11 **Q.** So, Mr. Elliott, let me ask, looking at
12 photo 3A, we see an injury, an apparent bruise
13 going horizontally across the underside of Miss
14 Thompson's upper arm. Did you see that injury
15 during the week of July 16 to 22, 2016?

16 **A. I did not.**

17 **Q.** There are also -- you can see it much
18 clearer here. See these indentations that are
19 right here. There are three of them; one, two,
20 three indentations in her arm that appear that she
21 pressed her arm against something. Did you see
22 those indentations at any time during that week?

23 **A. What type of indentations are they?**

24 **Q.** We have three parallel; one -- I will
25 start at the bottom so that I can do this for the

E. ELLIOTT

1 record.

2 So underneath, the bottom bruise, the
3 horizontal bruise in the picture, there is an
4 apparent faint indentation that runs the same line
5 as the bruise.

6 Off of the bruise, there is an apparent
7 indentation to the right of the bruise.

8 And a number of inches above that
9 bruise, there is another apparent indentation.
10 They all appear parallel.

11 Did you notice those indentations at any
12 time the week of July 16, 2016?

13 **A. No, ma'am.**

14 **Q.** Did you notice there is a bigger bruise
15 up toward her elbow on the inside, actually on the
16 outside portion of her elbow? Right here. Did
17 you see this bruise on Miss Thompson's body the
18 week of July 16?

19 **A. I did.**

20 **Q.** So this is one of the elbow bruises that
21 you were referring to a few minutes ago?

22 **A. Yes, ma'am.**

23 **Q.** I'm going to move ahead.

24 MS. FRIEL: I will say to everybody,
25 the doctors were not sure what part of the

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1 body this was. We can probably all opine
2 on it. We had different opinions. There
3 are some small red marks that are not
4 really of much moment, so I am not going to
5 try to figure out what part of the body it
6 is.

7 **Q.** I am looking at 3C -- by the way, I was
8 referring to 3B a minute ago. I am looking at 3C
9 now.

10 Mr. Elliott, do you see two red,
11 parallel marks on the top of Miss Thompson's
12 shoulder in 3C?

13 **A. Yes, ma'am.**

14 **Q.** Did you see those marks on Miss
15 Thompson's body on the week of July 16 through the
16 22nd, when you were with her?

17 **A. I don't remember seeing them.**

18 **Q.** Do you see another mark on her scapula,
19 on her collar bone, that I am pointing to right
20 now? Did you see that mark on her body when you
21 were with her that week?

22 **A. I did not.**

23 **Q.** It is a little fainter here. In some
24 later pictures, we are going to see it better.

25 Do you see, I am pointing to an area on

E. ELLIOTT

1 her upper arm, inside of her upper arm, underneath
2 her under arm. There appears to be in this
3 photograph, some faint bruising. As I said, we
4 are going to see it better in some other
5 photographs.

6 Did you see Miss Thompson have some
7 bruising the week of July 16 through the 22nd?

8 **A. No, ma'am.**

9 **Q.** Looking at this photograph, it is a leg.
10 Do you see the red -- it look like an apparent
11 scratch mark. But you see the area that I am
12 pointing to right now?

13 **A. Yes.**

14 **Q.** This is on 3D. Did you see that mark on
15 Miss Thompson's body that week?

16 **A. No, ma'am.**

17 **Q.** We are looking at 3E now. The top,
18 darker area bruise here. Is this what you refer
19 to as the hickey?

20 **A. Yes, ma'am.**

21 **Q.** That the doctors referred to as a bite
22 mark?

23 **A. Yes, ma'am.**

24 **Q.** You see the area underneath here?

25 **A. Yeah.**

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1 **Q.** Is that another hickey that you gave
2 Miss Thompson?

3 **A. Yes.**

4 **Q.** And you see the area here that appears
5 behind here, it appears a little bruised?

6 **A. It looks like hair.**

7 **Q.** Okay.

8 You know what, before we just move off
9 the bite mark, I want to show you something else.

10 So I just want to show you Exhibit 8C in
11 the report. Same side of Miss Thompson's neck.
12 Do you see the mark I am pointing to on the left
13 side of her neck here?

14 **A. Yes, ma'am.**

15 **Q.** Is that the injury that you referred to
16 as a hickey on her neck?

17 **A. Yes, ma'am.**

18 **Q.** Just another picture of it?

19 **A. Yes, ma'am.**

20 **Q.** And you can see here this is kind of
21 redder and brighter than it appears in that
22 photograph; however, it appears in either
23 photograph, you gave her this injury, right? You
24 say consensually --

25 **A. It is a hickey, not an injury.**

E. ELLIOTT

1 **Q.** Okay, I will call it a hickey. This
 2 mark though comes from something that you did that
 3 week with Miss Thompson?

4 **A. Yes, ma'am.**

5 **Q.** While I have this one up, looking at 8F.
 6 Do you see the marks on the side of her neck that
 7 are apparently on either side of her neck on 8F?

8 **A. I cannot see it from here. Do you have**
 9 **that --**

10 **Q.** Yeah, I can do it digitally.

11 MR. SALZANO: It is 8F?

12 MS. FRIEL: Yeah, it is 8F.

13 MR. EHRLICH: What are you looking at?

14 **Q.** There you go. Can you see it better
 15 here? See the apparent discoloration starting at
 16 the top of her neck, at the top of the photo,
 17 coming down around her neck and then darker
 18 discoloration again at the bottom, around the
 19 other side of her neck? Do you see what I'm
 20 pointing to, Mr. Elliott?

21 **A. I see up there, but I don't see any**
 22 **other discoloration.**

23 **Q.** You do see it at the top though?

24 **A. Yeah.**

25 **Q.** Did you see that discoloration on Miss

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E. ELLIOTT

1 Thompson's body on the week of July 16?

2 **A. Yes, ma'am.**

3 **Q.** Do you know how she got that apparent
 4 discoloration on her neck?

5 **A. Looks like another hickey.**

6 **Q.** You don't see below that area any
 7 discoloration here and here?

8 **A. No.**

9 **Q.** Did you see any in person that week?
 10 Did you notice any bruising at all around her
 11 neck?

12 **A. No, ma'am.**

13 **Q.** Do you see what appears to be slight
 14 discoloration here on Miss Thompson's right
 15 forearm in this photograph? This is 3F.

16 **A. Yeah, I see it.**

17 **Q.** Did you see that discoloration on her
 18 forearm the week you were with her in July of
 19 2016?

20 **A. No, ma'am.**

21 **Q.** I am going to ask you to take a look at
 22 some photographs again that our digital forensic
 23 experts that examine these photographs were able
 24 to determine the date and the time and the place
 25 that they were taken. These three photographs

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1 they tell us were taken on July 21. Okay. This
 2 would be the day before the so-called, "girl
 3 fight." The day where your party is going to
 4 start that night. That afternoon, you can see she
 5 is in a car. She's in a car. Two of them it
 6 appears they were taken in the parking lot of the
 7 Carriage House and the other somewhere along her
 8 route back to her apartment from the Carriage
 9 House. Have you seen these photographs, 6A
 10 through C before?

11 **A. I've seen those.**

12 **Q.** This injury that you see, the red
 13 discoloration at the bottom of the photograph, did
 14 you see this discoloration the week of July 16?

15 **A. I did not.**

16 **Q.** If you look going up at her wrist, an
 17 area of discoloration at her wrist, did you see
 18 that the week of July 16?

19 **A. I did not.**

20 **Q.** We are looking at 6B now, the other arm.
 21 Let's start at the bottom. Again, there is an
 22 area of discoloration at the bottom, apparent
 23 bruise. Did you see this area of discoloration
 24 the week of July 16?

25 **A. Is that the same bruise from earlier or**

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1 **is that supposed to be a new one?**

2 **Q.** It appears to be the same one that was
 3 on the other photo. Do you see this here?

4 **A. Yes.**

5 **Q.** You see something there?

6 **A. Yes.**

7 **Q.** You didn't see that that week, right?

8 **A. Is that the one that I said I saw**
 9 **earlier?**

10 **Q.** I thought you just said you didn't see
 11 that one on her earlier, but I could be wrong.

12 **A. No --**

13 MR. SALZANO: There may be some
 14 confusion as to what mark --

15 **A. I think I did.**

16 MR. EHRLICH: I think he said he saw
 17 the one on her elbow.

18 **A. What picture? Can I see that? So is**
 19 **that supposed to be that one? I thought it was**
 20 **other picture. I see discoloration there.**

21 **Q.** Okay. Let me ask you -- you see it here
 22 in the photo. And so the question is: Did you
 23 see that area of discoloration the week of July
 24 16?

25 **A. No, I didn't.**

E. ELLIOTT

1 MR. ROSENBLUM: Can you just clarify
2 again which? Are we looking at 3F?
3 MS. FRIEL: I brought 3F back up at Mr.
4 Elliott's request because when he looked at
5 that, he didn't see an area of
6 discoloration.
7 MR. ROSENBLUM: That is 3F?
8 MS. FRIEL: No, this is 6B. Just
9 another photograph taken two days later,
10 taken outside in daylight as opposed to in
11 a bathroom, of what is, as Mr. Elliott
12 correctly points out, the same area of the
13 body and the same apparent injury.
14 Q. And I don't want to put words in your
15 mouth, and correct me if I'm wrong, what you said
16 is you couldn't see that discoloration as it
17 appeared in 3F; you do see it in 6B?
18 A. I do see it there.
19 Q. Did you see that discoloration, that
20 apparent injury, during the week of July 16?
21 A. I did not.
22 Q. And if you go up the photograph for me
23 to the wrist area, outside of the top of the
24 wrist, you see the two areas, kind of round areas
25 of apparent discoloration on Miss Thompson's right

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1 wrist?
2 A. I do see that.
3 Q. Did you see those injuries the week of
4 July 16?
5 A. I did.
6 Q. Do you know how she got those injuries
7 the week of July 16?
8 A. I'm not aware.
9 Q. If you keep going up to the top of the
10 photos, there is a large, round area of
11 discoloration over her pinky knuckle. Do you see
12 what I am pointing out to you?
13 A. I see that.
14 Q. There are also, if you notice, in the
15 middle of that, there are pinpoint dark red dots.
16 You see one on each of the knuckles going up to
17 the left there. So on her pinky knuckle, her ring
18 finger knuckle and her middle finger knuckle; do
19 you see what I'm referring to?
20 A. I see those dots.
21 Q. You see the large area of discoloration
22 over the pinky knuckle?
23 A. Yes, ma'am.
24 Q. Did you see those markings on Miss
25 Thompson's hand while you were there that week?

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1 A. I did. I saw the discoloration. I
2 didn't really kind of recall the small markings.
3 Q. Do you know how she got those injuries?
4 A. I do not.
5 Q. 6C is a photograph of Miss Thompson's
6 right eye. Do you see any discoloration or
7 apparent swelling in that photograph?
8 A. I do there.
9 Q. And did you see that the week of July
10 16?
11 A. I did not.
12 Q. And I just want to make sure I'm clear.
13 So she picks you up the 16th, right, that
14 Saturday, and you stay together the rest of
15 Saturday, correct?
16 A. Yes, ma'am.
17 Q. You are together Saturday night, right?
18 You stay together Saturday night and she comes
19 back with you to your apartment, right?
20 A. Uh-hum.
21 Q. Much of the rest of the week, would you
22 say you two were together?
23 A. I would say we were, but there also was,
24 I think it was the night of -- I guess the night
25 and morning of Wednesday -- the morning of

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1 Wednesday, the night of Tuesday, where I was with
2 her early in the night and I would say from 12 to
3 whenever I came home the next morning, I did not
4 know where she was at.
5 Q. So let me ask you: This photograph,
6 according to our forensic experts was taken the
7 afternoon of the 21st; that is Thursday afternoon.
8 You had been with her Thursday morning, right?
9 A. Yes.
10 Q. She was at your apartment, you had spent
11 the night with her Wednesday into Thursday?
12 A. Yes, ma'am.
13 Q. This was taken that afternoon. Do you
14 have any idea what happened to Miss Thompson's eye
15 to make it look the way it looks in that
16 photograph?
17 A. I do not.
18 Q. Have you seen this series of photographs
19 that the Columbus Police Department took in the
20 parking lot of the Carriage House that July 22 at
21 about three in the morning?
22 A. I've seen some of them.
23 Q. Do you see -- this is 7A. Do you see
24 the area at the top of Miss Thompson's kind of
25 right arm, just under the shoulder here that I am

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1 pointing to, an area of apparent discoloration; do
2 you see what I am pointing to?

3 **A. I do.**

4 **Q.** Did you see that that week?

5 **A. I did not.**

6 **Q.** Do you see on the other side just on the
7 edge there, almost directly across on the other
8 side, upper arm just under the shoulder, a little
9 discoloration; do you see where I am pointing to?

10 **A. I see where you are pointing to, but I**
11 **don't see any discoloration.**

12 **Q.** Did you see on her arm in that area,
13 upper arm in the area at least where the right
14 discoloration is that you see, did you see bruises
15 on Miss Thompson's body in those areas that week
16 of July 16?

17 **A. I did not.**

18 **Q.** This is the same. I am looking at 7B.
19 We saw this before. The marks on the top of the
20 knuckles, and apparent discoloration over the
21 pinky knuckle, we talked about that before; do you
22 see what I am referring to?

23 **A. Yes.**

24 **Q.** You told us that you had seen some of
25 that and you don't know how she got that; is that

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1 other. Do you see what I am pointing to?

2 **A. Yes, ma'am.**

3 **Q.** Do you know how Miss Thompson's got
4 those two injuries on her two forearms?

5 **A. No, ma'am.**

6 **Q.** If you look on her right wrist, and
7 again, on the inside of the left wrist, parallel
8 to each other, do you see what I am pointing to in
9 that photograph?

10 **A. I do.**

11 **Q.** Do you know how Miss Thompson got those
12 injuries on both her wrists in approximately the
13 same place?

14 **A. I do not.**

15 **Q.** I brought up a picture 8B, Exhibit 8B in
16 the report. It is her left upper arm; do you see
17 different small round areas of discoloration, if
18 you will?

19 **A. Yes.**

20 **Q.** You do see what I'm talking about.
21 The doctors have told us that those
22 appear to them to be grab marks. They look
23 consistent with fingers grabbing Miss Thompson's
24 arm. Do you know how she got those marks on her
25 body?

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1 correct?

2 **A. Yes.**

3 **Q.** You can see this a little more clearer
4 here. Remember in the 3A photograph, if we look
5 back to 3C, I had asked you about just under her
6 armpit if you saw any area of discoloration in
7 that photograph and you didn't.

8 So here in 7F is that same area, a close
9 up of that area. Do you see the discoloration
10 that I am speaking about just under her shoulder
11 on the inside, upper right arm?

12 **A. Yes, ma'am.**

13 **Q.** Did you see that injury the week of July
14 16?

15 **A. No, ma'am.**

16 **Q.** Do you know how she got that injury?

17 **A. No, ma'am.**

18 **Q.** If you look at this, we've seen these
19 injuries that I am looking at 7G on some other
20 photographs, but now you can see them right across
21 from each other. We are looking at Miss
22 Thompson's two arms, from the elbow up to the
23 wrist. Can you see an area of apparent
24 discoloration in the middle of her forearm on the
25 right and on the left almost parallel to each

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1 **A. No.**

2 **Q.** Looking at 8D, you can see here on the
3 left arm -- this is a photograph of Miss Thompson
4 from behind. This was taken the morning of July
5 22, about five something in the morning. Okay.
6 At her friend, Ayrin's house. We can see the same
7 injury on the left arm, half way up the arm. What
8 I want to ask you about is you can see the little
9 dots on the upper right arm that we just saw. You
10 can see some discoloration at almost the same
11 level of the back of her left arm. Do you see
12 what I am talking about in that photograph?

13 **A. Yes, ma'am.**

14 **Q.** Do you know how she got those marks on
15 her upper arms in those areas?

16 **A. No, ma'am.**

17 **Q.** I am looking at 8E now, it is the inside
18 of Miss Thompson's right knee. And there are a
19 number of areas -- I will ask you, I am going to
20 start at the left side of the photograph, there is
21 a small apparent reddish area of discoloration.
22 Do you see what I am pointing to here?

23 **A. Yes.**

24 **Q.** Then, as we move across the photograph,
25 there is a light red or diffuse area of

E. ELLIOTT

1 discoloration before we get to the real round one
2 next to it, right?

3 **A. Yeah.**

4 **Q.** Then there is a line right there. Do
5 you see the line I am talking to in that? When we
6 get to almost the dead center of the photograph,
7 do you see the large red darker area of
8 discoloration in the middle?

9 **A. Yes.**

10 **Q.** And in the middle of it, a dark red area
11 in the middle of that circle?

12 **A. Yes.**

13 **Q.** Off to the right of that, and going up a
14 little, now we are going toward the top of her
15 knee, you see the other red area of discoloration?

16 **A. Yes, ma'am.**

17 **Q.** And then finally, getting farther up on
18 her -- this is the inside of her right leg. Do
19 you see the area I am pointing to up here? Again,
20 a kind of roundish discoloration?

21 **A. I do.**

22 **Q.** The other ones that you see, can you
23 tell me, did you see those injuries on Miss
24 Thompson's body on the week of July 16 through the
25 22, 2016?

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1 **A. I cannot remember.**

2 **Q.** Do you know how -- do you have any idea
3 how she got those apparent injuries on her body?

4 **A. No, ma'am.**

5 MS. LOVELACE: I'm so sorry, I couldn't
6 hear your answer.

7 MR. ELLIOTT: I said I cannot remember.

8 **Q.** Looking at 9A, 9A is part of a series of
9 photos that were taken at the City Attorney's
10 Office on July 22. So it would have been some
11 time in the afternoon, July 22. I just put one up
12 here. There are four of them, all showing the
13 exact same thing. Do you see this area along her
14 hip of some apparent discoloration?

15 **A. Yes.**

16 **Q.** Is that the area of discoloration that
17 you told us about earlier that you did see on her
18 hip that week?

19 **A. Yes.**

20 **Q.** Do you know how she got that apparent
21 bruise on her right hip?

22 **A. I do not.**

23 **Q.** Looking at 9E, this is a photograph of
24 Miss Thompson holding a sign that has the City
25 Attorney Office intake number on it. Can you see

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1 her neck area in this photograph?

2 **A. I can see it, yes.**

3 **Q.** Do you see any apparent discoloration
4 around her neck area in that photograph?

5 **A. No, ma'am. I see it starting on the**
6 **side.**

7 **Q.** But you don't see anything coming across
8 the front of her neck?

9 **A. No, ma'am.**

10 **Q.** This is the 10th series that was taken
11 that night on July 22 about six-something p.m., if
12 I remember right, back at her parents' house, her
13 sister took these couple of photos. This is the
14 side view of her right, upper leg and beginning of
15 her buttocks. Do you see two areas, roundish
16 areas -- I am pointing to the one on the top,
17 here. Do you see the one I am pointing to?

18 **A. Yes.**

19 **Q.** Do you see the one at the bottom I am
20 pointing to?

21 **A. Yes.**

22 **Q.** Fainter.

23 Did you see those injuries on Miss
24 Thompson's body that week?

25 **A. I did not.**

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E. ELLIOTT

1 **Q.** Do you have any idea how she might have
2 gotten those injuries on her body that week?

3 **A. No, ma'am.**

4 **Q.** This is the left side now. Same area of
5 the body, upper leg to buttocks. And see the
6 apparent discoloration here in this one, almost
7 parallel to where the other one was on her other
8 leg; do you see where I am pointing to?

9 **A. Yes, ma'am.**

10 **Q.** Did you notice this injury on the left
11 side of her body that week?

12 **A. No, ma'am.**

13 **Q.** Do you have any idea how she got that
14 injury?

15 **A. No, ma'am.**

16 **Q.** Now we have a series of photographs that
17 show above her hip line. This is above her left
18 hip. Do you see the area of apparent
19 discoloration? This large area of discoloration
20 just above her hip bone?

21 **A. Yes, ma'am.**

22 **Q.** Did you see that apparent area of
23 discoloration on Miss Thompson's body that week?

24 **A. Yes, ma'am.**

25 **Q.** Did you see it -- we were just looking,

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1 I think, I am not trying to confuse you, at her
 2 right hip, and you said you saw it on her right
 3 hip. I thought earlier you told us you only saw
 4 it on one hip. Did you see this kind of mark on
 5 both hips or just one hip?
 6 **A. What did I say earlier?**
 7 **Q.** I think that when we showed you a photo
 8 of the right hip, I think you said that was the
 9 injury -- I can go back. Let me go back.
 10 **A. This is really confusing honestly.**
 11 **Q.** This is the injury. This is her right
 12 hip photograph taken at the City Attorney's
 13 Office. That is her right hip. That is the
 14 injury that you said that you did see that week
 15 that you had referred to earlier when we were
 16 talking was the injury that you saw on her hip,
 17 correct?
 18 **A. Yes.**
 19 **Q.** I asked you at that time in the
 20 beginning if you saw injuries on both hips or just
 21 one hip, correct?
 22 **A. I cannot remember.**
 23 **Q.** Do you recall now --
 24 **A. I remember you asking did you see a hip**
 25 **injury and I said, yes, I did.**

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1 **Q.** Did you see injuries like we are looking
 2 at in 9D on one hip or both hips that week?
 3 **A. Both hips.**
 4 **Q.** Do you know how she got these injuries
 5 on either side, just above her hip bones?
 6 **A. I do not.**
 7 **Q.** So, with respect to a number of these
 8 injuries or these apparent injuries, these areas
 9 of discoloration in the photographs that you did
 10 not see, let me just ask you this: Miss Thompson
 11 spent four out of five nights that week sleeping
 12 with you at your apartment, right?
 13 **A. Yes.**
 14 **Q.** I take it there were times you saw her
 15 without her clothes on that week?
 16 **A. Yes.**
 17 **Q.** And then she spent other time with you
 18 in the apartment during daylight hours, correct?
 19 **A. Yes.**
 20 **Q.** You guys went to the mall together. Did
 21 you go to Petland or something, and out for
 22 dinner?
 23 **A. Yes.**
 24 **Q.** And so there was a lot of daylight hours
 25 that you saw Miss Thompson in clothing, correct?

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1 **A. Yes.**
 2 **Q.** And it was summer. So do you recall
 3 what kind of clothing; was she wearing shorts and
 4 little no-sleeve tops that week?
 5 **A. She had shorts on, she had a T-shirt on**
 6 **and a jacket.**
 7 **Q.** When she went out at night, you've seen
 8 the photograph of what she was wearing the night
 9 of your birthday party. Did she wear similar,
 10 kind of, one might say, revealing, attire during
 11 the times you went out earlier in the week?
 12 **A. I cannot remember.**
 13 **Q.** You would agree with me that you had
 14 lots of opportunities to see all parts of Miss
 15 Thompson's body that whole week, correct?
 16 MR. SALZANO: Answer the best you can.
 17 **A. Repeat the question.**
 18 **Q.** Sure. Sure.
 19 MR. SALZANO: Rephrase it maybe even.
 20 MS. FRIEL: Sure.
 21 **Q.** Did you have, would you agree with me,
 22 that you had a lot of opportunities during that
 23 week in July to see all parts of Miss Thompson's
 24 body unclothed?
 25 **A. No.**

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1 **Q.** You did not?
 2 **A. I mean I could have saw, but usually**
 3 **when we had sex, when I saw her with her clothes**
 4 **off, the lights were off.**
 5 **Q.** But you guys spent time together during
 6 the week, correct, in daylight?
 7 **A. We did, yes.**
 8 **Q.** Around her apartment, when she walked
 9 around the apartment in the morning when you woke
 10 up?
 11 **A. She had on a T-shirt. She always wore a**
 12 **long sleeve T-shirt of mine that hung pretty low.**
 13 **Q.** I think, Mr. Elliott, you told us before
 14 that although in the past Miss Thompson you said
 15 would fall down a lot, but you didn't see her fall
 16 down that week at all; is that correct?
 17 **A. I cannot remember.**
 18 **Q.** Did you ever see her bang her hip into
 19 anything hard that week while you were with her,
 20 either hip?
 21 **A. I cannot remember.**
 22 **Q.** Did you see her strike her hand on
 23 anything hard at all that week?
 24 **A. I cannot remember.**
 25 **Q.** Did you see anyone lift her up with both

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1 hands, with their hands just above her hip area,
2 and lift her up in the area that we saw that
3 discoloration above her hip bones?

4 **A. No, ma'am.**

5 **Q.** Did you see anyone drag her inner right
6 knee along the carpet that week?

7 **A. I did not.**

8 **Q.** Did you see anything or anyone strike
9 her right eye that week?

10 **A. No, ma'am.**

11 **Q.** Did you see anyone grab her arm with
12 their hands tightly enough to leave grab marks on
13 it like we saw in the photographs?

14 **A. I may have when we had sex, but other**
15 **than that, no, ma'am.**

16 **Q.** Did you see anyone put their hands on
17 Tiffany's neck at all that week?

18 **A. No, ma'am.**

19 **Q.** Now that you've seen all the
20 photographs, other than what you call a hickey and
21 the marks on her arms that you may have left
22 during sex, did you do anything that would have
23 caused any of the other injuries that we saw in
24 those photographs?

25 **A. No, ma'am.**

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1 **Q.** Did you see anybody else do anything to
2 her that would have caused any of the injuries
3 that we saw in those photographs?

4 **A. No, ma'am.**

5 **Q.** Did she ever physically attack you in
6 any way that week?

7 **A. No, ma'am.**

8 **Q.** At any time that week did you physically
9 try to eject her from your apartment, remove her
10 from your home, to get rid of her?

11 **A. No, ma'am.**

12 **Q.** Either apartment, Canvas Back Lane or
13 Carriage House?

14 **A. No, ma'am.**

15 **Q.** The one night that you didn't come home,
16 Tuesday night into Wednesday, correct, she slept
17 in your Canvas Back Lane apartment, correct?

18 **A. She did.**

19 **Q.** And Alvarez Jackson stayed there that
20 night as well, right?

21 **A. He did.**

22 **Q.** Do you have any reason to believe that
23 Mr. Jackson is responsible for any of the injuries
24 that we saw on Miss Thompson's body in those
25 photographs?

E. ELLIOTT

1 **A. No, ma'am.**

2 **Q.** Do you know of anyone else that caused
3 her injuries that week?

4 **A. Do I know of anyone else that caused her**
5 **injuries? That sounds like you assume I've caused**
6 **her injuries.**

7 **Q.** No, that is why I am asking you.

8 Do you have any knowledge that anyone
9 caused her any of those injuries that week?

10 **A. No, ma'am.**

11 **Q.** I want to shift gears a minute, unless
12 anyone else has a question about the injuries, the
13 photographs. Okay.

14 I want to ask you a couple of questions
15 about her Aunt Elaine, Elaine Glenn.

16 You know Aunt Elaine, correct?

17 **A. Yes, ma'am.**

18 **Q.** Have you met her in person, Aunt Elaine?

19 **A. I have.**

20 **Q.** Can you describe Aunt Elaine to us; what
21 kind of person is she?

22 **A. Aunt Elaine, she is a good person. We**
23 **had a really good relationship. Honestly, we both**
24 **wanted the best for Tiffany and we tried to do**
25 **whatever we could to help her clean up her life.**

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1 **But I think my relationship with Aunt Elaine kind**
2 **of turned south when Tiffany got pregnant and we**
3 **decided to get an abortion and Aunt Elaine didn't**
4 **like that.**

5 **Q.** Do you know is Aunt Elaine married or
6 single?

7 **A. She is married.**

8 **Q.** Children?

9 **A. Yes, she has one child.**

10 **Q.** Does she work?

11 **A. I'm not sure.**

12 **Q.** It sounds like, from what you've
13 described about you two trying to help Tiffany,
14 that Aunt Elaine has got her feet on the ground,
15 if you will. Do you know that expression,
16 somebody who is solid and has their feet on the
17 ground?

18 **A. I guess.**

19 **Q.** Did she seem to you like a responsible
20 person?

21 **A. She seemed somewhat responsible.**

22 **Q.** You said that your relationship, as you
23 put it, went south after Tiffany got an abortion,
24 correct?

25 **A. Yes, ma'am.**

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1 **Q.** Do you believe it went south enough that
2 Aunt Elaine would lie to our investigators about
3 what she saw that week and what she heard?

4 MR. SALZANO: Objection. How can he
5 speculate?

6 **A. I don't know Aunt Elaine that well, so I**
7 **don't know what she would do.**

8 MS. FRIEL: Let me take a minute.

9 MR. BIRCH: We might want to give
10 everybody a five-minute break at some
11 point. You tell us.

12 MS. FRIEL: That works fine.
13 (Whereupon a brief recess was taken.)

14 MR. BIRCH: If everybody has what they
15 need, I think we probably want to keep it
16 moving to make sure we have enough time for
17 everything. Why don't we pick back up with
18 Lisa.

19 **Q.** Can I just ask you a couple of
20 questions, if I could, about Ayrin Mason. If I
21 understand it correctly, Ayrin used to date a
22 friend of yours, correct?

23 **A. She did.**

24 **Q.** A guy named, Darwin (phonetic)?

25 **A. Yes, ma'am.**

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1 **Q.** Tiffany met her through that kind of
2 connection; is that right?

3 **A. Yes, ma'am.**

4 **Q.** Can you describe Ayrin for us? What
5 kind of person is Ayrin?

6 **A. I didn't really know Ayrin that well. I**
7 **just knew that she was dating my friend. I don't**
8 **really, like, talk to my friend's girlfriends that**
9 **much, you know what I mean. I was around her, but**
10 **I really don't know her that well. I know that at**
11 **the time, that Darwin and Ayrin were no longer**
12 **together.**

13 **Q.** And Ayrin came forward and worked with
14 your attorneys and signed some affidavits --

15 MR. SALZANO: She didn't work with us,
16 she gave an affidavit. The
17 characterization.

18 MS. FRIEL: No problem.

19 **Q.** When I asked you about Aunt Elaine, you
20 said that after the abortion that she was upset
21 with you, and that might be some reason for a
22 change in attitude that she had. How about Ayrin;
23 is there any reason that you know of that Ayrin
24 would say anything about you that wasn't true?

25 **A. I know Ayrin struggled with the fact**

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1 **that she was friends with Tiffany and she was put**
2 **in a very hard place when Tiffany asked her to lie**
3 **to the police about the incident on July 22. So**
4 **she struggled with the fact that like, okay, she**
5 **wanted to do the right thing and tell them what**
6 **really happened, but she also didn't want to burn**
7 **any bridge of that friendship with her.**

8 **Q.** In the end I take it you think she did
9 the right thing?

10 MR. SALZANO: What are we speaking of?

11 **A. She did the right thing by doing what?**

12 MS. FRIEL: He was just talking about
13 that Ayrin struggled when Tiffany asked her
14 to lie for her about what happened in the
15 parking lot on July 22. And that she
16 struggled with doing the right thing, which
17 I took to mean, tell the truth about what
18 happened on July 22 versus her relationship
19 with Tiffany.

20 **Q.** Is that what you were just trying to
21 describe to us?

22 **A. Yes, ma'am.**

23 **Q.** In the end, Ayrin told people that
24 Tiffany tried to get her to lie for her, correct?

25 **A. Yes, ma'am.**

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1 **Q.** She told the police that?

2 **A. Yes, ma'am.**

3 **Q.** She told your lawyers that?

4 **A. Yes, ma'am.**

5 **Q.** She signed an affidavit to that effect?

6 **A. Yes, ma'am.**

7 **Q.** When you were interviewed on September
8 28, last fall, you told Miss Roberts that at no
9 time that week there was a physical fight. And
10 with the exception of one day that we'll get to,
11 you described that you didn't have any arguments
12 during most of these alleged incidents. Do you
13 remember telling Miss Roberts that?

14 **A. No, ma'am.**

15 **Q.** On July 17, early morning hours of July
16 17, the so-called, "FaceTiming incident," okay?
17 Did you and Tiffany have an argument over the
18 FaceTiming incident?

19 **A. It was 5 a.m., very early in the**
20 **morning, we were asleep. She was upset about it,**
21 **but I didn't put much energy into it, because it**
22 **really didn't matter who was FaceTiming me.**

23 **Q.** So tell us about that. What happened?
24 You just said that the two of you were asleep in
25 bed at 5 a.m.; what happened that woke both or

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1 either of you up?

2 **A. I got a phone call. My phone went off.**
3 **Tiffany saw that it was from another woman. She**
4 **was upset. I really don't remember if there was**
5 **even much conversation about it. She let me know**
6 **she was upset, but we were asleep.**

7 **Q.** Who was the other woman?

8 **A. I cannot remember.**

9 **Q.** Could you tell us, when you say Tiffany
10 let you know that she was upset, can you tell us
11 how it was that Tiffany let you know that she was
12 upset?

13 **A. She told me, but I wasn't going to put**
14 **any energy into that.**

15 **Q.** To the best of your recollection what
16 did Tiffany say after seeing that that other woman
17 was FaceTiming you at five in the morning?

18 **A. Why is she calling you at five in the**
19 **morning, somewhere along the lines of that. Why**
20 **does she think that's okay?**

21 **Q.** What, if any, response did you have to
22 that?

23 **A. What does it matter, we are not dating,**
24 **so why does it matter who calls me and what time**
25 **they call me.**

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1 **Q.** What in response did Tiffany say back?

2 **A. I can't remember.**

3 **Q.** Did she say anything back to you?

4 MR. EHRLICH: Wasn't this already
5 covered? Are we going over stuff that has
6 already been covered?

7 MS. FRIEL: I am going to see if we
8 remember any details about it. I think,
9 Mr. Elliott, if I recall right, if you look
10 at the transcript, when he was asked about
11 the FaceTiming incident, other than saying
12 that he did get a call from a woman at
13 approximately that time and Tiffany was
14 upset, he didn't remember any other details
15 about it. So I am trying to probe to see
16 if there are any details that perhaps he
17 remembers that I could, by asking him
18 specific questions, jog his memory and see
19 if he remembers what happened. Fair
20 enough?

21 MR. EHRLICH: Fair enough.

22 **Q.** After you say back to her words to the
23 effect of, what does it matter, I am here with you
24 now, right, did she say anything back to you at
25 that point?

E. ELLIOTT

1 **A. I cannot remember.**

2 **Q.** Did you recall it going on from there,
3 you both being awake and discussing this longer or
4 did you just both turn over and go back to sleep?

5 **A. Maybe for a couple minutes and then went**
6 **back to sleep.**

7 **Q.** Do you remember anything else that got
8 said between the two of you for the couple of
9 minutes after Tiffany questioned you about why
10 this person thought it was okay to be calling you
11 at that hour?

12 **A. No, ma'am, I was half asleep.**

13 **Q.** Did either of your voices get raised at
14 any time during this couple-of-minutes discussion
15 about this woman calling you at that hour?

16 **A. Her voice may have gotten raised. I**
17 **really don't remember. This was at 5 a.m. in the**
18 **morning. I wasn't going to put much energy into**
19 **it, I was trying to sleep.**

20 **Q.** Did either of you in the couple of
21 minutes that you discussed this, get out of the
22 bed at all?

23 **A. I don't think so.**

24 **Q.** How would you describe Tiffany during
25 the times that you were together, in terms of was

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1 she a jealous person? How would you describe her
2 in terms of jealousy?

3 **A. She was jealous. She was spiteful. She**
4 **would do anything to get her way.**

5 **Q.** Do you know the term, insanely jealous?
6 Have you ever heard people use that term, somebody
7 is so jealous, they are insanely jealous?

8 **A. I am not sure what you are asking me.**

9 **Q.** Okay, I will ask you this way: Would
10 you say she was a very jealous person?

11 **A. Yes.**

12 **Q.** So, on occasion, if she saw you out
13 talking to another woman, would that trigger her
14 jealousy?

15 **A. Yes.**

16 **Q.** If she saw photographs on say, Instagram
17 of you with another woman in the photograph, would
18 that trigger her jealousy?

19 **A. Yes.**

20 **Q.** So this night, at 5 a.m., when another
21 woman starts FaceTiming you from Dallas, you just
22 had a couple of minutes of conversation and that
23 was it and everybody went back to sleep?

24 **A. I was half asleep. I was not putting**
25 **any energy into it.**

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MR. SALZANO: I think he answered this.

Right?

Q. Let me ask you about the next night, what we've called the "locked out incident," if you will. The night you and Alvarez got back to the Canvas Back Lane apartment and you were locked out because Tiffany had your keys and wasn't home yet. When you were about to go out that night, what conversation did you have with Tiffany about the keys and about how you were going to connect up and meet at home so you wouldn't be locked out?

A. I wasn't supposed to be gone from the house that long. I think I might have left around 12. I was back in college. So I went out with a couple of my old teammates, maybe gone for an hour, hour and a half. I got back at around 1:30. Tiffany was not supposed to, like, leave the house; that was never the plan. But I left the keys because if she left my house, then I wouldn't want my door to be open while no one was there. So I came back around 1:30 or so and my -- she was gone, and my door was locked. So I was locked out of my house.

Q. When you say that Tiffany wasn't supposed to leave the house; what do you mean by

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better. When you say you were trying to get rid of her all week and you didn't want her in your apartment and you wanted her to go home to her own apartment and leave you alone, how that makes sense with you leaving her in your apartment with your keys so she was going to wait for you until you got back. I have trouble seeing how the two make sense together. Could you explain that to me?

A. I explained to you earlier that our relationship was very up and down, like a roller coaster. At times we wanted to be together and at times we didn't. This was a time I was fine with her being at my house.

Q. Okay.

At any time prior to getting home and finding yourself locked out, were you trying to get in touch with her before that either by text or phone call or anything in those hours after you left and went over to the college?

A. I cannot remember.

Q. When you got home, were you surprised that she was not home?

A. I cannot remember.

Q. When you got home to the parking lot and

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that?

A. That was not the plan.

Q. So to the best you can remember, what was the plan that you and she discussed that night?

A. The plan was I was supposed to be able to come back to my house and be able to get in.

Q. And how were you going to get in, she was going to be there and let you in?

A. Yes, or my door was going to be open.

Q. I thought you just told us you didn't want to leave your door open with nobody there?

A. I didn't, but if worse comes to worse, that my door would be open. I wanted to be able to come back in my house.

Q. Sure.

So what you really thought was going to happen was Tiffany was going to hang out at your house while you were out visiting your teammates and she was going to be there when you got back, that was the plan?

A. Yes.

Q. There are a couple of things that go on that I am going to ask you about during the week like that, that it would help us to understand

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you were locked out, were you angry?

A. I was.

Q. How long did you and Alvarez have to wait in the parking lot before Tiffany showed up with your keys?

A. Maybe 45 minutes to an hour.

Q. As the time went on, did you get angrier and angrier?

A. I did.

Q. During that period of time, did you try to reach her in some way by phone calls, by text, to find out where she was?

A. I did.

Q. Did you reach her at all during that 45 minutes that you were waiting?

A. I did a couple of times.

Q. What did she say?

A. She said she was out. She was drunk. I can't really remember much more. She was basically playing games with me like she always does. She was upset with me because she found out I was at a bar. Someone told her I was at a bar. She was basically trying to keep me locked out of my house.

I actually realized that later she was

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1 **really just parked -- she may have been gone, but**
 2 **I saw a car pull up and park. The way my**
 3 **neighborhood worked, it was down the other side.**
 4 **It ended up being her just sitting there waiting**
 5 **with my keys.**

6 **Q.** Who did you think she was out with that
 7 night?

8 **A. I have no idea. I can't remember.**

9 **Q.** So she gets back to the parking lot,
 10 finally about 45 minutes later, you've been
 11 waiting, early morning hours. And when she pulls
 12 into the parking lot, can you tell us to the best
 13 you recall what happened when she pulled into the
 14 parking lot?

15 **A. She pulled up to the parking lot. She**
 16 **was on the phone with me. She left the windows**
 17 **rolled up, door locked. All I wanted was my keys.**
 18 **I was asking her for my keys. I was pissed off.**
 19 **She would like literally drive around, come back,**
 20 **like basically just playing games.**

21 **Q.** When you said you would ask her for your
 22 keys, would she respond to your request?

23 **A. She would say no.**

24 **Q.** Did she say anything other than just no?

25 **A. I cannot remember.**

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1 **Q.** Did you at any time, when she wouldn't
 2 just hand you your keys, threaten her in any way?

3 **A. I can't remember.**

4 **Q.** You might have threatened her?

5 **A. I cannot remember.**

6 **Q.** To your recollection, did you do or say
 7 anything that would make her fear that when she
 8 opened the car door that you might hurt her
 9 physically?

10 **A. No.**

11 **Q.** Did she say anything to you while you
 12 were speaking to her on the phone and she wasn't
 13 opening the door about why she wouldn't open the
 14 door of the car at that point?

15 **A. I cannot remember. Basically she was**
 16 **just playing games. That is what she did, when**
 17 **she was pissed off, she wanted to do whatever she**
 18 **wanted to do to piss me off.**

19 **Q.** Did it work?

20 **A. Yes, it did.**

21 **Q.** So you are talking to her, she won't
 22 open the door, she drives off, she comes back,
 23 then what happens?

24 **A. Eventually she game me my keys.**

25 **Q.** Tell me how that came about?

E. ELLIOTT

1 **A. I mean I think she just handed them to**
 2 **me, I really can't remember.**

3 **Q.** Best you can remember, she would have
 4 pulled back in, the windows are up, so take just a
 5 second to think about it. How did this stand off
 6 finally -- how did you get the keys from her?

7 **A. I cannot remember. I believe either she**
 8 **rolled the window down or she stepped out the car**
 9 **and handed me my keys.**

10 **Q.** Did you put your, to your recollection,
 11 did you put your hand on any part of her body to
 12 take the keys from her?

13 **A. No.**

14 **Q.** Do you have a clear recollection of the
 15 keys going from her hand to your hand?

16 **A. Not really.**

17 **Q.** Do you recall whether she was still
 18 seated in the car at the point that you took
 19 possession of your keys?

20 **A. I do not.**

21 **Q.** Is it possible that you grabbed one arm
 22 and held her in place and took the keys out of the
 23 other hand as she says that you did?

24 **A. I don't think so. I had a long key**
 25 **chain on my keys. I can't remember, but I think I**

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1 **might have grabbed the lanyard and took them from**
 2 **her. Or she may have handed them to me. This is**
 3 **from July of last year, this is a long time ago.**

4 **Q.** So after you got your keys back, then
 5 what happened?

6 **A. Went in my house. Can't really remember**
 7 **much more.**

8 **Q.** Did she come into your house with you?

9 **A. I know she came to my house eventually,**
 10 **but I don't remember if she was with me or not.**

11 **Q.** She ended up coming into your house that
 12 night, early morning hours, and sleeping in your
 13 bed with you, correct?

14 **A. Yes, she slept in my bed. I can't**
 15 **remember if I was in the bed or not. I was**
 16 **basically trying to get her to leave. I didn't**
 17 **want her to drive away drunk. Earlier that**
 18 **summer, she had gotten a DUI or DWI, I can't**
 19 **remember what it was. I didn't want to put her in**
 20 **harms way. How else would she get away from my**
 21 **house?**

22 **Q.** Uber. Do they have Uber in Columbus,
 23 Ohio?

24 **A. Her car was at my house.**

25 **Q.** Could she come back the next day to get

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1 her car?

2 **A. I don't want her coming back.**

3 **Q.** So she stayed the night with you,
4 correct?

5 **A. Yes.**

6 **Q.** And then the next day you guys spent the
7 whole day together, correct?

8 **A. What day is this?**

9 **Q.** Now, it is the day of the 18th.

10 **A. Yes, the day of the 18th, she spent the**
11 **day with me. That day she was supposed to leave**
12 **in the morning. She lost her keys the whole day**
13 **and couldn't leave, I believe. And so because she**
14 **couldn't find her keys, she had to leave her car**
15 **at my house. She left her stuff at my house. I**
16 **wasn't going to stay there, so I left to go out,**
17 **and we went out separately.**

18 **Q.** And this is going to now be the night
19 that you didn't come home, correct?

20 **A. Yes, ma'am.**

21 **Q.** If I remember right, from the transcript
22 of your interview with Miss Roberts that you said
23 that night that she was, I think you used the
24 terminology, blowing you up all night, does that
25 sound like something you would say?

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1 **A. Yes. Later in the night after -- well,**
2 **what happened -- I went out to dinner with a**
3 **couple of my friends. She was supposed to -- in**
4 **that time, she was supposed to leave my house and**
5 **be gone, but she supposedly lost her keys and**
6 **couldn't leave. But no matter what, like, she was**
7 **supposed to be out of my house at that point. I**
8 **was just trying to get away from her. And I went**
9 **out to dinner with my friends. And I believe, I**
10 **can't remember exactly, she said she wanted to see**
11 **me or something. Wanted me to come have a drink**
12 **with her or something. We met up, had a drink.**
13 **And then we went our different ways. From that**
14 **point on is when she started blowing me up.**

15 **Q.** So you just said this was the day you
16 wanted to get rid of her, wanted her out of your
17 apartment, you didn't want to be with her?

18 **A. Yes.**

19 **Q.** Could you tell us then why you seemed so
20 upset from the text messages when she ignored you
21 when you saw her downtown and she ignored you and
22 you then said back in a text, something to the
23 effect, that's the way it's going to be, all your
24 shit is going to be outside of my apartment.
25 Could you explain to us why that upset you so much

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1 if you were trying to get rid of her?

2 **A. Yeah, it upset me because she told me to**
3 **leave from where I was at to come and see her**
4 **prior to me getting there and then when I got**
5 **there she tried to act like I wasn't there.**

6 **Q.** I guess the other question then is: If
7 you wanted to be done with her and get rid of her,
8 why did you go over and have a drink with her?
9 Why didn't you just stay with your friends and not
10 spend any time with her that night?

11 **A. I cannot remember.**

12 **Q.** I meant to ask you a question before
13 about the staying out late all night, when you
14 came home. Did you ever use the phrase, "tough
15 love," with Tiffany at any time? In conversations
16 that you had with her, did you ever talk about
17 things being tough love?

18 **A. I can't remember.**

19 **Q.** Is that a phrase that you use ever?

20 **A. I don't know.**

21 **Q.** Did you use that phrase at all with her
22 on the morning of July 19 when you got back after
23 being out all night?

24 **A. I don't remember.**

25 **Q.** When you got back after being out all

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1 night, could you tell us what you recall about
2 walking in the apartment? Was Tiffany awake,
3 asleep? What happened when you got home?
4 **A. From what I remember, my friend,**
5 **Alvarez, stayed at the house. When I got back in**
6 **the morning, she was supposed to be gone. That is**
7 **why I didn't even go home. And got back to the**
8 **house and she was still there. And I was just**
9 **wondering why you still here.**

10 **Q.** You say you were wondering, did you say
11 that out loud to her, why are you still here?

12 **A. I can't remember exactly what I said to**
13 **her when I got there.**

14 **Q.** Was she awake or asleep when you got
15 there?

16 **A. I cannot remember.**

17 **Q.** Best you can recall, what conversation,
18 if any, did you have with Tiffany that morning
19 when you got home after being out all night?

20 **A. Why are you here? Why aren't you gone**
21 **yet?**

22 **Q.** What was her response?

23 **A. I think maybe she still had lost her**
24 **keys or something, I can't remember.**

25 **Q.** Did the two of you have an argument that

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1 morning?

2 **A. I do not remember. I don't think so.**

3 **Q.** Do you recall if when you first got home
4 you jumped in the shower; does that sound
5 familiar?

6 **A. I cannot recall.**

7 **Q.** Do you recall if Tiffany said anything
8 to you about your need to take a shower as soon as
9 you got home after being out all night?

10 **A. I cannot remember.**

11 **Q.** Do you recall if she said anything to
12 you about being out with another woman that night
13 while she was home in your bed?

14 **A. I cannot remember that morning, it was**
15 **such a long time ago.**

16 **Q.** Do you recall at all that morning if she
17 expressed any jealousy about the fact that you
18 hadn't come home the night before and maybe you
19 were out with another woman?

20 **A. I really can't remember.**

21 **Q.** That morning, during whatever
22 conversation that you did have, do you recall any
23 reference during the conversation to her being a
24 puppy dog?

25 **A. I do not remember.**

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E. ELLIOTT

1 **Q.** Do you recall, at any time, her saying
2 to you, what am I your puppy dog and you
3 responding yes?

4 **A. I don't remember.**

5 **Q.** Is it possible that that took place,
6 that she said that to you and you said that back?

7 MR. SALZANO: Anything is possible.

8 MS. FRIEL: Well, he said he doesn't
9 remember.

10 MR. SALZANO: So that is the answer
11 then, right?

12 **Q.** So you are telling me that she didn't
13 say that to you?

14 **A. I do not remember what she said to me**
15 **exactly, that was a year ago.**

16 **Q.** How did this conversation with the two
17 of you end?

18 **A. Just like -- I honestly can't remember**
19 **like exactly what happened, but, like, I think --**
20 **I can't -- she just kept making excuses -- the**
21 **whole week she just kept making excuses of why she**
22 **couldn't leave my house. So she must have just**
23 **made up another excuse why she couldn't leave. I**
24 **can't remember if her keys were still lost or I**
25 **don't know.**

E. ELLIOTT

1 **Q.** Okay. So you want her to leave, but
2 this day she spends the whole day with you anyway,
3 right?

4 **A. I think this is her still saying her**
5 **keys are lost, so.**

6 MR. ROSENBLUM: What day are you
7 talking about that she spent the whole day?

8 MS. FRIEL: This would be the day of
9 July 19, Tuesday. So they've had their
10 conversation in the morning.

11 MR. ROSENBLUM: After he stayed out all
12 night.

13 MS. FRIEL: Exactly. This is during
14 that day.

15 MR. ELLIOTT: Which day, Wednesday?

16 MS. FRIEL: It is Tuesday, the 19th.

17 **Q.** Tiffany, your recollection is that part
18 of the reason Tiffany spends that day in your
19 apartment is because she was saying she couldn't
20 finds her keys?

21 **A. Yes.**

22 **Q.** To your knowledge, did she only have one
23 set of keys?

24 **A. I do not remember.**

25 **Q.** At any rate, you spend the whole day

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E. ELLIOTT

1 together, correct, in your apartment?

2 **A. Yes, ma'am.**

3 **Q.** And that evening?

4 **A. Yes, ma'am.**

5 **Q.** And that night, she stays the night?

6 **A. Yes, ma'am.**

7 **Q.** The two of you stay in that night,
8 right?

9 **A. Yes, ma'am.**

10 **Q.** Now it is the morning of Wednesday, July
11 20, and she leaves your apartment, correct?

12 **A. Yes.**

13 **Q.** How did that come about that she finally
14 left your apartment?

15 **A. I do not remember exactly what happened.**
16 **I think she found her key. I think, like, the**
17 **time we were together, we made up or whatever, and**
18 **then she ended up leaving to go home. I think she**
19 **hadn't been home in two days.**

20 **Q.** You think some time during that period
21 of time that you guys made up?

22 **A. Yeah.**

23 **Q.** And then she leaves your apartment and
24 goes back to her apartment on the day of the 20th,
25 right?

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1 **A. Yes.**
 2 **Q.** Now you're rid of her. She is home.
 3 She is out of your apartment. And if you would
 4 explain to me, that afternoon you text her and you
 5 want to meet her at the mall. And you want to
 6 meet her at Petland and you and she and Alvarez
 7 all have dinner together at your request. Could
 8 you explain that to me? Why you would do those
 9 things, when you finally had gotten rid of her out
 10 of the apartment? This is now Wednesday.
 11 **A. Like I explained to you earlier, the way**
 12 **our relationship was was like a roller coaster, up**
 13 **and down. I assume we made up and I was fine.**
 14 **Q.** You wanted to be with her again
 15 Wednesday?
 16 **A. This is hard for me to go back and go**
 17 **through all of this stuff, it is a year ago.**
 18 **Q.** Do you remember meeting her at the mall?
 19 **A. I did meet her at the mall.**
 20 **Q.** You wanted to see her?
 21 **A. Yes, ma'am.**
 22 **Q.** You and Alvarez and she had dinner?
 23 **A. Yes, ma'am.**
 24 **Q.** You wanted to be with her then?
 25 **A. Yes, ma'am.**

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1 **Q.** This is the day that you had to move
 2 your stuff over to the Carriage House, right?
 3 **A. Yes, ma'am.**
 4 **Q.** And eventually you Alvarez and she go
 5 out that night, right, downtown? I get mixed up
 6 at which of the different bars, but you go to one
 7 of the bars, right?
 8 **A. Uh-hum.**
 9 **Q.** And becomes late night hours, so now it
 10 is Thursday morning, July 21, okay. Can you tell
 11 us what happened outside the bar when you guys
 12 were about to drive home?
 13 **A. We were about to drive home, can't**
 14 **remember exactly who we were with. Alvarez was**
 15 **trying to drive my car; I didn't want him to. We**
 16 **got into a little argument. I ended up driving my**
 17 **car. I can't remember if he drove -- he may have**
 18 **had his car, I am not really exactly sure, but**
 19 **when I drove away, they followed me home.**
 20 **Q.** Who is the they?
 21 **A. Alvarez and I had another friend with**
 22 **me, I can't remember.**
 23 **Q.** So it seems to me you have some
 24 recollection of there being some kind of argument
 25 about how you were going to get home and who was

E. ELLIOTT

1 going to drive; is that correct?
 2 **A. Yes, ma'am.**
 3 **Q.** Tiffany was correct when she said that
 4 to us, that there was an argument outside the bar?
 5 **MR. SALZANO:** With whom? Argument with
 6 whom?
 7 **MS. FRIEL:** Argument with him and
 8 Alvarez about who was going to drive the
 9 car.
 10 **A. Yes, ma'am.**
 11 **Q.** You end up driving home back to what is
 12 now home is the Carriage House this night,
 13 correct?
 14 **A. Yes, ma'am.**
 15 **Q.** Tiffany is in the passenger seat?
 16 **A. Yes, ma'am.**
 17 **Q.** Was she upset with you as you guys drove
 18 back to the Carriage House?
 19 **A. I can't remember.**
 20 **Q.** Do you remember if you had an argument
 21 in the car while you were driving back to the
 22 Carriage House?
 23 **A. I can't remember.**
 24 **Q.** When you got back to the Carriage House,
 25 tell us the best you can remember what happened

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E. ELLIOTT

1 when you and Tiffany get back?
 2 **A. We all got back together. So me,**
 3 **Alvarez -- I believe my friend Ray was there. I**
 4 **think he was in town. Either Ray or my friend,**
 5 **Maduco (phonetic) and Tiffany got back. Got home,**
 6 **went to bed and everyone went to sleep.**
 7 **Q.** When you guys got back into the
 8 apartment, was there any argument about anything
 9 when you guys got back into the apartment?
 10 **A. I don't think so.**
 11 **Q.** Mr. Elliott, when you met with Miss
 12 Roberts back in September, and she asked you about
 13 this incident and you got back, she said was there
 14 any argument between the two of you that evening
 15 at all when you got home from what you recall, and
 16 you answered, yes. You told Miss Roberts there
 17 was an argument when you got back to the
 18 apartment.
 19 **A. All these days jumble all together. You**
 20 **are asking me stuff that was a year ago. I really**
 21 **don't remember, like.**
 22 **Q.** So far the incident that we've talked
 23 about; the 17th, the 18th, the 19th, and now we
 24 are up to the fourth one, the 21st, you've told us
 25 there was no arguments the 17th, 18th or 19th.

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1 There may have been her questioning you about who
 2 is calling from Dallas on the 17th, her not
 3 wanting to give you your keys and playing games on
 4 the 18th. The 19th, when you get home, some
 5 conversation about what are you still doing here,
 6 but you said none of those were arguments. Do you
 7 remember having any argument with her all week,
 8 that week, something that you would term an
 9 argument?

10 **A. I guess there were disagreements. But**
 11 **what do you describe as an argument?**

12 **Q.** I am going to ask you: What do you
 13 describe as an argument?

14 **A. I mean argument, I don't know. Argument**
 15 **is like there is a disagreement but like voices**
 16 **may get raised and stuff.**

17 **Q.** Okay.

18 At any time during that week, did you
 19 have a disagreement in which voices were raised?

20 **A. I think there were times that happened.**

21 **Q.** That is your definition of an argument,
 22 right?

23 **A. Okay, yes, ma'am.**

24 **Q.** No, I don't want -- don't say it because
 25 I want it. I want that is how you just defined an

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E. ELLIOTT

1 argument to me, correct?

2 **A. Yes.**

3 **Q.** So by your definition, did you have an
 4 argument on the 17th, the FaceTiming incident?

5 **A. She got mad.**

6 **Q.** Was her voice raised?

7 **A. Her voice was raised; me, I was half**
 8 **asleep. I was in bed. I wasn't really paying**
 9 **attention to her. Is that an argument? Is an**
 10 **argument one person or two people? I don't know.**
 11 **You are asking me very general questions, I am**
 12 **confused. I don't really remember what happened**
 13 **every single day to the T. You are asking me very**
 14 **specific questions about what happened those**
 15 **nights, but those nights happened a year ago.**

16 **Q.** Okay. Going back to the argument, I
 17 want to use what you term as an argument. I don't
 18 want us to have any misunderstanding. I asked you
 19 to define it and you did. I am just going to
 20 leave it alone. I am trying to use your
 21 terminology for an argument, okay?

22 **A. I don't know.**

23 MR. ARCENEUX: Did he argue or did she
 24 argue? Ask him that. She can argue
 25 without him arguing.

E. ELLIOTT

1 MR. SALZANO: I think there is a
 2 fundamental question as to what you mean by
 3 argument, what Mr. Elliott means --

4 MS. FRIEL: Well, that's why I --

5 MR. EHRLICH: I think the problem is
 6 you are cross-examining him and using terms
 7 rather than asking him to describe the
 8 incident. You are stuck with a problem
 9 that he is using and trying to answer terms
 10 that you two have used as opposed to simply
 11 asking him to describe as best he can
 12 recall what happened. And when he does
 13 that, he is giving you the best he is
 14 capable of remembering. If you want
 15 definitions, that is a different issue and
 16 I think that is unfair.

17 MS. FRIEL: Okay. I wanted to give him
 18 a chance to explain. I did ask him to
 19 describe this incident --

20 MR. EHRLICH: And he did.

21 MS. FRIEL: -- and he explained it. And
 22 I wanted to give him a chance to explain
 23 why he told us here today that he did not
 24 have an argument with her. And he said
 25 back on September 28, very clearly asked

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1 the same questions, that he did. I just
 2 wanted to give him a chance to explain the
 3 difference.

4 MR. EHRLICH: And he did.

5 MS. FRIEL: Okay.

6 **Q.** On the morning of the 21st, where your
 7 best recollection is you guys came in after
 8 driving home and Alvarez came in right behind you
 9 and you guys just went to bed, did there come a
 10 time there was a hole in the wall of the apartment
 11 at the Carriage House?

12 **A. I cannot remember.**

13 **Q.** Do you remember texting with Tiffany
 14 during the day of the 21st about the hole in the
 15 wall of the Carriage House having to get fixed and
 16 Tiffany having asked her mother to come and get
 17 this hole in the wall of the Carriage House fixed?

18 **A. I really don't remember.**

19 **Q.** Was there a time when you were back in
 20 the apartment in the early morning hours of July
 21 21 that Tiffany took one of your cell phones and
 22 threw it at the wall?

23 **A. Which apartment?**

24 **Q.** The Carriage House, the morning of the
 25 21st?

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- 1 **A. Yes.**
 2 **Q.** She threw it at the wall?
 3 **A. Yes.**
 4 **Q.** Tell me about what you recall about how
 5 that occurred and when that occurred?
 6 **A. I really don't remember why she threw my**
 7 **cell phone, but I remember she threw it.**
 8 **Q.** Did that happen when you got home from
 9 the bar before you went to sleep or did it happen
 10 the next morning when you guys woke up?
 11 **A. I can't remember exactly. It may have**
 12 **been when we got home from the bar.**
 13 **Q.** And you have no recollection of what
 14 caused her to take one of your cell phones and
 15 throw it at the wall?
 16 **A. When she was drunk she would get angry**
 17 **all the time.**
 18 **Q.** Do you have any recollection of what she
 19 was angry at the time she threw your cell phone at
 20 the wall?
 21 **A. I do not.**
 22 **Q.** At that time how many cell phones did
 23 you carry?
 24 **A. Two.**
 25 **Q.** When did you start carrying two cell

E. ELLIOTT

- 1 right?
 2 **A. Yes, ma'am.**
 3 **Q.** After you got drafted, the end of April
 4 that you went down to Dallas, right? The very
 5 first of May, if not April 30, you were in Dallas,
 6 right?
 7 **A. Yes, ma'am.**
 8 **Q.** Did you get that 214 phone number on a
 9 phone, cell phone, when you got to Dallas there,
 10 the first week of May?
 11 **A. I didn't change my number then, I**
 12 **changed my number in Columbus, when I got a new**
 13 **phone, and I told them to give me a 214 area code.**
 14 **Q.** Oh, okay.
 15 So you did that between the Draft and
 16 between when you flew to Dallas the 1st of May?
 17 **A. Yes.**
 18 **Q.** And when you left Columbus to go to
 19 Dallas, now you had two cell phones; is that
 20 correct?
 21 MR. EHRLICH: That's not what he said.
 22 He told you that he had two cell phones
 23 before and he had two different numbers
 24 before. The way you are asking the
 25 question, it is not fair.

E. ELLIOTT

- 1 phones?
 2 **A. In college.**
 3 **Q.** You carried a phone -- your lawyers gave
 4 us phone records for two different phone numbers;
 5 one starts 214; one starts 614, right?
 6 **A. Yes, ma'am.**
 7 **Q.** 614 is a Columbus, Ohio area code?
 8 **A. Yes, ma'am.**
 9 **Q.** Was the 614 phone number the phone that
 10 you would carry during college?
 11 **A. I actually had another phone in college**
 12 **that was a 314. I got the 214 number -- I ended**
 13 **my service with whoever I was with before and I**
 14 **got a new phone number, the 214, right after I**
 15 **declared, maybe.**
 16 **Q.** I could be mixing these up, somebody
 17 else correct me, but I think 614 is a Columbus
 18 area code, right?
 19 **A. Yes.**
 20 **Q.** 214 is Dallas?
 21 **A. Yes, ma'am.**
 22 **Q.** So --
 23 MR. ARCENEUX: It was after the Draft.
 24 **Q.** -- you got the 214, the Dallas phone
 25 number, after you were drafted by the Cowboys,

E. ELLIOTT

- 1 MS. FRIEL: I am not trying to not be
 2 fair, I am trying to pin down the phones.
 3 **Q.** You had a three-something number you
 4 said before, that was a Columbus number, correct?
 5 **A. No, 314, that was St. Louis, from where**
 6 **I am from. That was the first one that I had.**
 7 **Q.** When did you stop using that phone?
 8 **A. I would say some time after I declared**
 9 **for the Draft.**
 10 MR. SALZANO: After you were drafted
 11 you mean? Just so we are clear, because it
 12 is two different times.
 13 **A. After I got drafted.**
 14 MR. SALZANO: Once he knew he was on
 15 the Cowboys, he changed to --
 16 MS. FRIEL: He wanted a Dallas number,
 17 sure.
 18 **Q.** When did you get the 614, the Columbus,
 19 Ohio area code phone?
 20 **A. In college.**
 21 **Q.** When you left to go to Dallas in May,
 22 did you have two phones at that point?
 23 **A. Yes, ma'am.**
 24 **Q.** And now one had the 214 number, correct,
 25 the new Dallas area code?

E. ELLIOTT

1 **A. Which time? Right after I got drafted?**
 2 **Q.** Yeah.
 3 **A. No, I had a 614 and a 314 number. That**
 4 **is nearly the day after I got drafted. After I**
 5 **knew I was going to be in Dallas is when I got my**
 6 **214 number.**
 7 **Q.** So I thought you just told us that you
 8 got the 214 number when you were back in Columbus
 9 after you were drafted and before you went to
 10 Dallas on May 1. If that is incorrect, correct
 11 me. I am trying to figure out what phones you had
 12 starting in May.
 13 MR. EHRLICH: Why don't you just ask
 14 him that?
 15 **A. I had a 214 number and 614 number.**
 16 MR. SALZANO: Do remember when you
 17 changed the 314 to 214?
 18 MR. ELLIOTT: It was after I got
 19 drafted, but I don't know what date it was.
 20 I had been to Columbus since I got drafted.
 21 **Q.** So you have two phones starting in May
 22 of -- after you're drafted in May of 2016?
 23 MR. EHRLICH: No, he said he had two
 24 phones before that.
 25 MS. FRIEL: I am going to talk about

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E. ELLIOTT

1 with these two numbers, if I can just
 2 finish.
 3 MR. EHRLICH: Fine.
 4 **A. Yes, there are two numbers; one 214**
 5 **number and one 614 number.**
 6 **Q.** Do you still have those two phones with
 7 those two phone numbers today?
 8 **A. I have gotten new phones since then.**
 9 **Q.** When did you get a new phone?
 10 **A. When the new iPhone came out.**
 11 **Q.** And to the best of your recollection,
 12 when did you get the new iPhone?
 13 **A. When it came out.**
 14 **Q.** Do you recall when that was?
 15 **A. When it came out. You can look that up.**
 16 **I don't know.**
 17 **Q.** And what is the model that you are
 18 calling the new iPhone; do you know?
 19 **A. It is either the 7 or 7S, whichever the**
 20 **newer one is.**
 21 **Q.** You have no idea around of when that
 22 was?
 23 **A. Whenever it came out.**
 24 **Q.** Okay.
 25 When Tiffany threw your phone at the

E. ELLIOTT

1 wall in the Carriage House on July 21, which phone
 2 did she throw at the wall?
 3 **A. I think the 614 number.**
 4 **Q.** Did it break when it hit the wall?
 5 **A. No, ma'am.**
 6 **Q.** So the phone -- did that phone work all
 7 throughout that week, the 614 number?
 8 **A. Yes, ma'am.**
 9 **Q.** And the 214 number worked all through
 10 that week?
 11 **A. Yes, ma'am.**
 12 **Q.** Were they both iPhones?
 13 **A. Yes, ma'am.**
 14 **Q.** When you replaced one of them with the
 15 new iPhone 7 or 7S, you only replaced one, not
 16 both of them?
 17 **A. Both of them.**
 18 **Q.** You replaced both of them?
 19 **A. Yes, ma'am.**
 20 **Q.** If I asked you to put it in context of
 21 the end of this week on July 22, do you know was
 22 it soon after or long after that you got two new
 23 iPhones?
 24 **A. Long after.**
 25 **Q.** Long after. Okay.

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E. ELLIOTT

1 **A. I am pretty sure.**
 2 **Q.** When you got the two new iPhones, did
 3 you have the people at the store transfer your
 4 information from each one on to the next one for
 5 you?
 6 **A. Yes, ma'am.**
 7 **Q.** And those two new iPhones you still have
 8 today; is that correct?
 9 **A. Yes, ma'am.**
 10 **Q.** With all the information that got
 11 transferred?
 12 **A. I only transferred my contacts and my**
 13 **pictures. At the time I didn't use icloud because**
 14 **people like I will get hacked and information gets**
 15 **leaked. There is a way if you don't use icloud**
 16 **that you can transfer pictures and contacts.**
 17 **Q.** What did you do with the two actual
 18 devices, the old iPhones, once you replaced them?
 19 **A. I traded them for credit.**
 20 **Q.** So you gave them back in?
 21 **A. Yes, ma'am.**
 22 **Q.** Do you recall, did the hole in the wall
 23 end up getting fixed or did you get billed by the
 24 Carriage House to have to fix it?
 25 **A. It got fixed.**

E. ELLIOTT

1 Q. Who fixed it?

2 A. A friend of mine. I believe so.

3 MR. JONES: It is 12:30. I know that
4 we have some of the advisors that have
5 flights at five. I think it is really
6 important that two things happen, that Mr.
7 Elliott's crew get a chance to talk to our
8 advisors while they are here and they get a
9 chance to answer any questions. So I don't
10 want to cut you short, but I am sensitive
11 to the clock, because I know Mr. Houston
12 has a five o'clock flight.

13 MR. SALZANO: Thank you.

14 MS. FRIEL: Okay. I will try to move
15 ahead.

16 BY MS. FRIEL:

17 Q. On the afternoon of July 21, you sent
18 her a text message or maybe it was that evening,
19 talking about that you were afraid that if she
20 came out with you that night something bad would
21 happen; could you explain what you meant by that?

22 A. Just arguing basically. I knew what the
23 night was going to be. I knew it was my birthday,
24 I was going to do what I wanted. I didn't want
25 her to be with me. I knew how she was with other

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1 girls. I didn't want any drama. I wanted to have
2 a great 21st birthday. That is all I wanted.

3 Q. There came a time that evening before
4 you went to your party, you were in one room at
5 the Carriage House and she was in bed, in the
6 bedroom at the Carriage House; do you recall that?
7 You guys were texting back and forth.

8 A. Yes, ma'am.

9 Q. You wanted her to leave. You were
10 texting, "you need to go."

11 A. Yes, ma'am.

12 Q. And she didn't want to leave?

13 A. Yes, ma'am.

14 Q. And she texted you, the words she used
15 were: "I don't want to go. I just got my ass
16 beat." Do you know what she was referring to when
17 she said she didn't want to leave you because she
18 just got her ass beat?

19 A. I do not --

20 MR. ROSENBLUM: Wasn't it I just got my
21 ass beat by your hoes?

22 MS. FRIEL: No, it's --

23 A. Can I just give you background of that
24 day?

25 Q. Of course you can.

E. ELLIOTT

1 A. That day we decided that she was not
2 going to be with me. And so I had went out for
3 dinner. The way my Airbnb was set up, it had a
4 lock box for the key and she had the code for the
5 key for the lock box. She was not supposed to be
6 at my house then and I come back from dinner and
7 she is in my house like when she's not supposed to
8 be there.

9 Q. Okay. And that is perfectly clear from
10 the text messages that you didn't expect her there
11 or you didn't want her there. I am asking you:
12 Do you know when she said to you that the reason
13 she didn't want to leave was because she just got
14 her ass beat and she wanted to spend more time
15 with you, do you know what she was referring to
16 when she said she just got her ass beat?

17 A. No, ma'am.

18 Q. You told Miss Roberts when she
19 interviewed you on September 28 that one of the
20 things Tiffany said to you in the parking lot of
21 the Carriage House after your birthday party, this
22 is now early morning hours of July 22, when you
23 come home with a whole crowd to go to an after
24 party, if you will.

25 A. Uh-hum.

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1 Q. You said one of the things that she
2 yelled at you in the parking lot in front of
3 everyone was: "You're a black athlete, I am a
4 white woman, no one is going to believe you." Do
5 you recall telling Miss Roberts that Tiffany said
6 that to you in the parking lot?

7 A. Yes, ma'am.

8 Q. And there were other people around at
9 the time, correct?

10 A. Yes, ma'am.

11 Q. I think you told Miss Roberts there were
12 at least 15 people there that you knew and then
13 others as well would come back to the party; is
14 that right?

15 A. No, there were maybe 10 or 15 that I new
16 and then there was Tiffany and her friend.

17 Q. And they were all there when she was
18 yelling this at you?

19 A. Yes, ma'am.

20 Q. Do you have any idea why none of them
21 said to the police that she said that to you?

22 A. I do not.

23 MR. SALZANO: Don't speculate. Can he
24 answer that?

25 MS. FRIEL: Well, he can say that they

E. ELLIOTT

1 were standing over there.

2 MR. ROSENBLUM: I am not sure that is
3 exactly accurate. I thought the record
4 showed that there were witnesses that heard
5 her yelling that she was going to ruin his
6 career.

7 MS. FRIEL: That's a different
8 statement. I am going to separate the two
9 so it is clear.

10 **A. They are not separate statements.**

11 **Q.** Did she say to you in the parking lot
12 that she was going to ruin you?

13 **A. Yes, ma'am.**

14 **Q.** You told the police that, right?

15 **A. Yes, ma'am.**

16 **Q.** To your knowledge other people told the
17 police that, yes?

18 **A. Yes, ma'am.**

19 **Q.** Separate statement, not about ruining
20 you, and quote -- and you even said in the
21 transcript, quote, "She said this to me: You are
22 a black athlete, I am a white woman, no one is
23 going to believe you," quote. That is what you
24 said to Miss Roberts?

25 **A. Yes, ma'am. She said that.**

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E. ELLIOTT

1 **Q.** That is what you are telling us she
2 said?

3 **A. Yes, ma'am.**

4 **Q.** I am asking you if you know the police
5 report does not reflect anywhere that anyone who
6 was there heard that statement. Nobody told the
7 police that statement.

8 MR. SALZANO: We don't know if they
9 were asked if they heard it.

10 **Q.** You wrote out a statement for the
11 police, right?

12 **A. I did.**

13 **Q.** That is in your own handwriting, right?

14 **A. Yes, ma'am.**

15 **Q.** Not once but twice in that statement you
16 talk about the statement she made to you about
17 ruining you, correct?

18 **A. Yes, ma'am.**

19 **Q.** Is there any reason you didn't write in
20 that statement this very offense statement that
21 you say she made: "You are a black athlete, I am
22 a white woman, no one is going to believe you."

23 **A. There is no reason I didn't write that.**

24 **Q.** Let me just ask you, I just want to turn
25 to the St. Patrick's Day Parade and ask a couple

E. ELLIOTT

1 of questions about that, okay?

2 So I've got up on the screen here, this
3 is one of the video clips of it; some are shorter,
4 some are longer. I think this is the longest of
5 the video clips. I am going to play it and then I
6 am going to ask you what we are seeing in this and
7 to your recollection what happened. If anybody
8 needs me to play it more than once, just tell me.
9 It goes very quickly, so you have to look at it
10 more than once. Let's see if I can do this
11 without my assistant.

12 (Whereupon the aforementioned video was played.)

13 MS. FRIEL: Anybody want me to do it
14 again?

15 MS. WHITE: Yes, please.

16 (Whereupon the aforementioned video was replayed.)

17 MS. FRIEL: Anybody need it again? It
18 is short. We can do it one more time if
19 anybody needs it. We are all good.

20 **Q.** Can you describe for us what we're
21 seeing in that clip; what happened there?

22 **A. Well, we were at a St. Patrick's Day
23 celebration at Dallas, and we were having a good
24 time. Everybody there was having a good time.
25 Annie, the woman whose breast I exposed, was a**

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E. ELLIOTT

1 **good friend of mine. I've known her pretty much
2 the whole time I have been in Dallas. You can say
3 we have an intimate relationship. Everybody there
4 was flashing their boobs for beads. She was, her
5 friends were, people down below were. I reached
6 over, I grabbed and pulled her breast out. After
7 that we left and went back to my house.**

8 **Q.** Tell me if I am wrong, but it appears
9 from looking at that that when you first reach
10 over and pull down the front of her blouse and
11 expose her breasts that she smacks your hand away;
12 is that correct, do you recall her doing that?

13 **A. It appeared that way.**

14 **Q.** Let me just ask you, before you reached
15 over and pulled down the front of her blouse and
16 exposed her breast, did you ask her if that was
17 okay with her?

18 **A. I did not.**

19 **Q.** Did she say to you, that is okay, you
20 can go ahead and touch me and expose my breast?

21 **A. She did not.**

22 **Q.** You said before, this woman you are now
23 saying is a good friend, someone you've known
24 since you were in Dallas. I want to go back to
25 what your relationship was as of March 11. Were

E. ELLIOTT

1 you already intimate at that point with her?

2 **A. Yes, ma'am, and several times after**
3 **that.**

4 **Q.** By intimate, we are all adults here, you
5 mean you were sexually active with her?

6 **A. Yes, ma'am.**

7 **Q.** After we see the first pull down and
8 expose her breast and she seemed to bat your hand
9 away, it looks like you reach over and you
10 actually touch her breast; is that correct?

11 **A. Yes.**

12 **Q.** Do you put your hand on her breast at
13 that point?

14 **A. If you want to replay it again.**

15 **Q.** Sure.

16 (Whereupon the video was replayed.)

17 **A. What exactly are you asking me?**

18 **Q.** I am asking you if the second time you
19 reach over, if you touch her breast right there?

20 **A. Yeah.**

21 **Q.** You do?

22 **A. Yes.**

23 **Q.** Prior to doing that, did you ask her if
24 that was okay?

25 **A. I did not.**

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1 **Q.** Did she tell you before you reached over
2 and touched it that it was okay, you can touch my
3 breast?

4 **A. She did not.**

5 **Q.** Then it appears that there is a third
6 time that you reached toward her breast area and
7 again, she turns away from you. Am I accurately
8 describing what we see on the video?

9 **A. We have a sexual relationship. She did**
10 **not mind that I grabbed her breast. If that is**
11 **what you are asking, no, she did not mind that I**
12 **grabbed her breast.**

13 **Q.** Okay. And how do you know that she did
14 not mind that you grabbed her breast?

15 **A. Because we are still friends to the day.**
16 **If that bothered her, then we wouldn't, you know**
17 **what I mean. If that was a big deal, then we**
18 **wouldn't be friends.**

19 MR. SALZANO: Did she ever tell you?

20 MR. ELLIOTT: No, she never told me she
21 didn't want me to do it.

22 **Q.** But you didn't ask her before you did
23 any of the three things we saw there?

24 **A. I didn't.**

25 **Q.** Okay.

E. ELLIOTT

1 MS. FRIEL: Any other questions -- I
2 have some questions about some text
3 messages, but they have more to do with the
4 cooperation area and some issues of
5 truthfulness and some of things he may have
6 said in the September 28 interview, so I
7 will break here so we can move on.

8 MR. JONES: I think if you need time
9 for a brief recess before you come back and
10 get your opportunity to talk, in
11 particular, to the advisors about sort of
12 anything that has occurred, we've spent
13 several hours now with the pretty granular
14 time interview follow-up. Again, I want to
15 be sensitive to the clock because I know;
16 one, time is of the essence in getting
17 closure on this and; two, everybody is here
18 today, and three, we've got people who will
19 start to disappear. So if you want to take
20 five and then be prepared to come back and
21 talk to what we've covered this morning and
22 anything else pursuant to the Policy.

23 MR. ARCENEUX: Do we need it?

24 MR. SALZANO: It won't hurt.

25 MR. ROSENBLUM: I think the plan is to

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1 ask Ezekiel maybe one or two follow-up
2 questions and maybe just go into some
3 closing remarks about the investigation as
4 a whole.

5 MR. JONES: However you want to
6 proceed, this is the opportunity for it.

7 MR. EHRLICH: Do you want to take 30
8 seconds?

9 MR. BIRCH: I would hold that second
10 part about the conversation on the
11 investigation as a whole until we can get
12 to the second piece in terms of timing.

13 MR. ROSENBLUM: No problem.

14 MR. SALZANO: Take two minutes.

15 MR. BIRCH: Take five.

16 (Whereupon a brief recess was taken.)

17 MR. ROSENBLUM: Just a few follow-up
18 questions.

19 EXAMINATION BY

20 MR. ROSENBLUM:

21 **Q.** First of all, Zeke, how old are you
22 right now?

23 **A. 21.**

24 **Q.** Obviously you have never been through
25 this before?

E. ELLIOTT

1 **A. I have not.**

2 **Q.** Would you characterize your feeling
3 right now as a bit nervous?

4 **A. Very much so.**

5 **Q.** You are in this strange territory, I
6 know you are trying to answer the questions the
7 best you can. So let me ask you a couple of
8 follow-ups.

9 First of all, Miss Friel asked you to
10 try to describe your, for lack of a better word,
11 rather unorthodox relationship with Tiffany,
12 correct?

13 **A. Yes, sir.**

14 **Q.** Just going back to some of the questions
15 she's asked about how the text messages for the
16 week prior to your visit seemed inconsistent with
17 your statements that you were trying to extricate
18 her from your life.

19 **A. Right.**

20 **Q.** Would you agree with that?

21 **A. I think that is true.**

22 **Q.** Can you tell --

23 MR. ROSENBLUM: Yes, ma'am.

24 MS. LOVELACE: I'm sorry, I didn't
25 catch that. You asked him about the --

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E. ELLIOTT

1 MR. EHRLICH: How the text messages
2 were maybe inconsistent with his statement
3 that he was trying to extricate her from
4 his life.

5 MS. LOVELACE: And what was your
6 response? I'm sorry.

7 MR. ELLIOTT: Yes.

8 **Q.** Can you further shine some light on that
9 to this panel and tell them exactly what you mean
10 by that and how maybe things were different when
11 you were out of each other's presence as opposed
12 to in each other's presence?

13 **A. We had a very up-and-down relationship.**
14 **At times it seemed like -- we really did care**
15 **about each other. At the end of the day, we**
16 **really did care about each other. It wasn't the**
17 **right time or the right situation. There would be**
18 **times where we wanted to try to work on things and**
19 **then times where we didn't. And I think, for**
20 **sure, when we were far apart from each other, not**
21 **together, like, we had more time to think and we**
22 **missed each other. So we thought maybe we should**
23 **keep trying to work on this. But it just seemed**
24 **like every time we got together, it was not how it**
25 **should be, it wasn't good for either of us.**

E. ELLIOTT

1 **Q.** Was it evident when you would be in her
2 company that it was, for a lack of a better word,
3 maybe a toxic relationship and one that you
4 shouldn't be in?

5 **A. It was very toxic. Throughout the whole**
6 **relationship, there was this -- I saw this**
7 **spiteful side of her. So if something happened**
8 **that she didn't like, she would whatever and**
9 **anything she could to hurt me. And it just seemed**
10 **like she would change and be a totally different**
11 **person. None of us are perfect, so I didn't**
12 **discredit her for that.**

13 **Q.** Miss Friel asked you to describe her
14 generally and her personality and some of her
15 traits and character traits, do you think it is
16 fair to say that she was obsessed with you?

17 **A. Yes.**

18 **Q.** Tell this panel, as recently -- tell
19 this panel, when was the last time you received
20 contact from Tiffany Thompson?

21 **A. Last night I received over 50 phone**
22 **calls from Miss Thompson, back to back to back to**
23 **back to back to back. I would decline and get a**
24 **call right back. This started at 3:50 a.m. last**
25 **night and they continued all the way up to 5:30**

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1 **this morning.**

2 **Q.** How did you know it was her?

3 **A. Well, I picked up once to see who it was**
4 **-- I assumed it was her. So many times since this**
5 **event has happened she calls me from no caller ID**
6 **because her number is blocked from my phone. The**
7 **only way she can get through is like, I think it's**
8 **star 69. So it showed that there is no caller ID.**
9 **Since this incident has happened, I would say she**
10 **has called me over 400 times. And this is like --**
11 **it just happens randomly. It would be**
12 **periodically when it happens. Two months go by, I**
13 **get these calls late at night, I assume, once**
14 **she's drunk.**

15 **Even the night that she lied to the**
16 **police and said that I dragged her out of her car,**
17 **she, as the police are still sitting there and I'm**
18 **in the house, waiting, getting my stuff together,**
19 **leaving, I was supposed to go out of town, she is**
20 **sitting there calling my phone repeatedly,**
21 **repeatedly. I had to go tell the police that she**
22 **keeps still calling my phone and like...**

23 **Q.** Ezekiel, this form of harassment, that
24 just wasn't recently, last night, it has been
25 continuing since she made this bogus allegation

E. ELLIOTT

1 with the police?

2 **A. We actually filed a report with the**
3 **Frisco Police for harassment.**

4 **Q.** That was September?

5 **A. Yes, September of this year.**

6 **Q.** September of this year?

7 **A. During the season, so last football**
8 **season.**

9 **Q.** September '16 you actually went to the
10 Frisco Police and filed a restraining order?

11 **A. It wasn't a restraining order, it was**
12 **harassment.**

13 MR. SALZANO: Harassment. I can help
14 answer just from a technical legal
15 standpoint because I was involved from a
16 legal standpoint. Texas Penal Code allows
17 or calls for electronic harassments.

18 The weekend of Labor Day, she called
19 probably how many times, Zeke?

20 MR. ELLIOTT: 50 I would say about.

21 MR. SALZANO: Left a message and took
22 your contacts at one point?

23 MR. ELLIOTT: At one point when we were
24 together, she hacked my e-mail. I had this
25 app that I used to transfer my contacts. I

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1 had an app that had all my phone contacts
2 in it. She got that app and downloaded it.
3 She used the app and downloaded all the
4 contacts that I had and she put that on her
5 phone. She went through the contacts and
6 found women that she knew I was involved
7 with and contacted them saying crazy stuff
8 about me; that I had certain STDs, things
9 that could damage my image, one, and
10 relationships with other people.

11 BY MR. ROSENBLUM:

12 **Q.** So not only did she engage in this
13 continued harassment and erratic behavior, she had
14 the ingenuity to hack your e-mail and gain access
15 to your files?

16 **A. She did. She hacked my icloud and she**
17 **got in there somehow, I don't know how. She was**
18 **getting all my text messages forwarded to her**
19 **phone.**

20 **Q.** While you two were together you told
21 Miss Friel that you guys obviously engaged in a
22 lot of sexual activities and at some point in time
23 you gave her a hickey, correct?

24 **A. Yes.**

25 **Q.** And I think on occasion that the two of

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1 you would film each other privately?

2 **A. Yes.**

3 **Q.** Did she ever threaten you with respect
4 to that after this allegation?

5 **A. She did not threaten me.**

6 **Q.** Did she ever make it known that she was
7 trying to market that tape to TMZ; did your
8 representatives ever tell you that?

9 **A. Yes.**

10 **Q.** You were aware that she was threatening
11 to take that tape and make it public?

12 **A. Yes.**

13 **Q.** For monetary gain?

14 **A. Yes.**

15 **Q.** You were asked questions about St.
16 Patrick's Day and Miss --

17 **A. -- Gomez.**

18 **Q.** Miss Gomez, but Miss Friel, when she was
19 asking you questions, I don't think she mentioned
20 anything about the investigative report with
21 respect to that incident, correct?

22 **A. She did not.**

23 **Q.** You are aware that in that investigative
24 report that Miss Gomez clearly indicated that it
25 was all fun and games and she had no problems with

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1 it?

2 **A. Yes, sir.**

3 **Q.** By my viewing of that video, she
4 appeared to be smiling, laughing and having a good
5 time with you.

6 **A. Yes.**

7 **Q.** And had she exposed her breasts
8 voluntarily on her own prior to that or after
9 that?

10 **A. Yes, sir.**

11 **Q.** You watched that, correct?

12 **A. Yes.**

13 **Q.** And obviously you are involved in
14 consensual relationships with her prior to that
15 time, correct?

16 **A. Yes, before that day and since then.**

17 **Q.** Did she ever give you any indication
18 that she was displeased with you doing that?

19 **A. No.**

20 **Q.** Miss Friel asked you questions about
21 your contact with the police with respect to the
22 July 22 incident, and that clearly you told the
23 police that she was threatening to ruin you and
24 ruin your career, correct?

25 **A. Yes.**

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1 Q. Additionally, that was not the first
2 time during that week that she would make such a
3 threat, correct?

4 A. No.

5 Q. She made threats that she was going to
6 ruin your career and I believe would make
7 reference to another player that was going through
8 a situation, correct?

9 A. Yes.

10 Q. When she would make those threats, did
11 that cause you, for lack of a better definition,
12 some confusion as to how to handle her?

13 A. You always hear stories about, you know,
14 women trying to ruin athletes' careers by saying
15 things that aren't true. You never really think
16 that it could actually happen to you. You never
17 think that you can be put in that situation. When
18 I was put in that situation, I was confused, I
19 didn't know how to handle it. I didn't know if I
20 should -- okay, we're done, make her mad so she
21 does call the police. Because at the end of the
22 day, if she called the police Monday or Tuesday
23 and lied, then we are still going to be here. So
24 what I was trying to do, I was trying to manage
25 the situation. I was trying to somehow get myself

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1 out of it without even the police being involved.
2 Maybe somehow we could figure out between us a way
3 to end the relationship without, you know, having
4 to call the police.

5 Q. And with respect to the specific comment
6 that you told Miss Friel and told the investigator
7 that she said with you being a black athlete and
8 her being a white woman, nobody is going to
9 believe you, she said that to you?

10 A. She did.

11 Q. You are 100 percent certain?

12 A. 100 percent.

13 Q. With respect to the people at the scene
14 that night that actually heard her say that she
15 was going to ruin you, do you know whether or not
16 any of those individuals were asked specifically
17 or details of everything they heard by the police?

18 A. They were not.

19 Q. Would it also be fair to say that most
20 of the individuals out there that evening had had
21 some degree of intoxication?

22 A. Yes.

23 Q. Do you know if those individuals were
24 given the opportunity to write everything down
25 comprehensively?

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1 A. They were asked to write reports.

2 Q. With respect to your contact with the
3 police, were the officers Caucasian?

4 A. They were.

5 Q. How did you feel about having to discuss
6 this type of sensitive issue with those particular
7 police officers?

8 A. I was scared. I felt very
9 uncomfortable. One was actually a female cop, and
10 she was very harsh with me. And I felt like I
11 really wasn't even treated fairly from the
12 beginning. And then as the story unwound, and as
13 they seen that there were more witnesses -- before
14 the way it happened -- she called the police --
15 the Carriage House is -- there is a house and then
16 obviously the Carriage House is a house behind a
17 house. She was out on the street. So before they
18 had got back there, the only story they heard was
19 hers. And so, when they got to me, they were -- I
20 was scared. They were very aggressive. They were
21 not nice, not trying to hear what the story was.
22 But as the story unwound, and they got to talk to
23 everyone, they started to loosen up.

24 Q. And lastly, Ezekiel, let me ask you a
25 question that brings us all here today. Have you

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1 ever hit Tiffany Thompson?

2 A. I've never assaulted Tiffany Thompson.
3 I would never do that. I was not raised that way.
4 I am very close with my mom. I have two little
5 sisters. I would never want them to go through
6 anything like that.

7 MR. ROSENBLUM: I don't have anything
8 else.

9 MR. JONES: Well, Peter, you are the
10 host. We do have some advisors. I think
11 everybody understands the dynamics. I
12 think first, you all are going to provide a
13 written response to the investigation. So
14 I think everyone understands that that
15 report will be shared with the advisors
16 too. So they may have some questions.
17 Peter, I assume, will hand the baton.

18 MR. BIRCH: Not a report, the
19 submission.

20 MR. JONES: The written submission that
21 you are preparing. That as an aside, this
22 is also an opportunity to have our advisors
23 ask you questions. And we appreciate you
24 all being here to do that. So I will sort
25 of defer to our host. The other advisors

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1 may have some questions also.
 2 Peter.
 3 MR. HARVEY: I just have one.
 4 BY MR. HARVEY:
 5 Q. Mr. Elliott, did you have an occasion to
 6 speak with the general counsel of the Cowboys, a
 7 Mr. Cohen, after this week of July 16 through the
 8 22?
 9 A. The general?
 10 Q. The Dallas Cowboys have a lawyer --
 11 MR. EHRLICH: Jason Cohen.
 12 Q. -- his name is Jason Cohen.
 13 A. Yes.
 14 Q. Did you have an opportunity to speak
 15 with him some time after say July 21 of last year?
 16 A. Speak to him about?
 17 Q. About this incident. At all.
 18 A. Yes.
 19 Q. Can you tell us about that conversation
 20 with Mr. Cohen?
 21 A. Basically this was me telling him what
 22 the story was, what happened.
 23 Q. Did Mr. Cohen give you any information
 24 or instructions?
 25 A. No, sir.

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1 Q. Did he ask you to preserve any evidence?
 2 A. No, sir.
 3 Q. Did he ask you to collect any
 4 information and make sure you held on to it?
 5 A. They told me to collect -- because she
 6 was repeatedly calling me, so every time we go
 7 through one of those times where she would be
 8 calling me, I would screen shot and save whatever,
 9 whatever I guess images of the calls that she had
 10 called me.
 11 Q. That is what Mr. Cohen said to you?
 12 A. That is what my lawyers advised me.
 13 Q. No, I am only interested in what Mr.
 14 Cohen said to you. Don't tell me what your
 15 lawyers said to you. There are a whole bunch of
 16 rules that protect that, so please don't tell me
 17 about anything that your lawyers told you.
 18 A. Okay.
 19 Q. I am only asking about the Dallas
 20 Cowboys lawyer, Mr. Cohen, did he give you any
 21 instructions at all?
 22 A. No.
 23 Q. Thank you.
 24 MS. LOVELACE: I have a few questions.
 25

E. ELLIOTT

1 BY MS. LOVELACE:
 2 Q. So as a part of the questions that your
 3 attorneys were just asking, sort of a reflection
 4 back on some of the questions that Attorney Friel
 5 was asking, one of the questions, one of the
 6 things that your attorney was asking you was if
 7 you agreed that this was a toxic relationship.
 8 A. Yes, ma'am.
 9 Q. And you named out a few of the things
 10 that you believe that you experienced from
 11 Tiffany.
 12 A. Yes, ma'am.
 13 Q. And you said that you agreed that there
 14 was some spitefulness and that she was obsessed.
 15 A. Yes, ma'am.
 16 Q. So, in a toxic relationships, there is
 17 usually two sides, not usually just one, it is
 18 usually two. Can you characterize some of your
 19 own characteristics that would be considered toxic
 20 in this relationship?
 21 A. I would say my characteristic that was
 22 toxic was just the fact that we cared for each
 23 other, but I just, I mean, I'm 21, and I probably
 24 just sleep around, that is my toxic quality.
 25 Q. And you are saying that that is -- okay.

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1 Thank you. That is clear. I don't need to ask
 2 any further. I have two more. I am not an
 3 attorney. I have done lots of criminal justice
 4 work and lots of stuff, so.
 5 So you say that you never assaulted
 6 Tiffany Thompson, so the question was: "Have you
 7 ever hit Tiffany Thompson?" You said: "No, I've
 8 never assaulted Tiffany Thompson." So I want to
 9 ask again: Have you ever hit Tiffany Thompson and
 10 can you respond back with the word hit, whether
 11 yes or no.
 12 A. No, I never hit Tiffany Thompson.
 13 Q. Okay. And then I think it is more of a
 14 general question, so you've said many times today
 15 that you feel like there has been a lot of time in
 16 between now and then, during that whole period of
 17 time and now. So you've kind of said, I don't
 18 remember, I don't know, I am not sure, but there
 19 does seem to be some real key details that you do
 20 remember. Many of the details are around things
 21 Tiffany said directly to you. Generally, and this
 22 is just going to be my own general conjecture.
 23 Again, I am not an attorney, so layperson, but a
 24 general question. It feels like a lot of the
 25 things you remember are things that you believe

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1 came at you.

2 **A. Yes.**

3 **Q.** And I think my question in general is:
4 How do you believe you've come to be able to
5 remember a lot of the details related to you as
6 opposed to some of the general details or
7 questions that are being asked of you about
8 something that happened some time ago? I am
9 trying to understand how the difference is. And,
10 again, maybe your attorneys can help with what I
11 am asking. Maybe I need to have a better way of
12 asking it.

13 MR. ROSENBLUM: I am not sure I can
14 answer that question, so I am not sure
15 whether Ezekiel can.

16 MS. FRIEL: I can. I think she wants
17 to know how come you seem to be able to
18 remember things that she did or said to
19 you, coming at you, as she said, but you
20 don't seem to remember other details of
21 what happened. You only seem to remember
22 the bad things that she did to you. I
23 think that is what she was trying to --

24 MS. LOVELACE: Well, whether they were
25 bad or not, you remember a lot of things

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1 related to Tiffany.

2 MR. SALZANO: Before he answers, I just
3 want to get on the record -- this is Frank
4 Salzano -- that not improperly or
5 purposely, there is a characterization of
6 what was remembered and what was not
7 remembered. I don't think we can sum up
8 all the individual answers regarding every
9 detail.

10 If I may try to encapsulate what you
11 are asking, I may or may not know. Is it
12 how come you remember certain things and
13 not others and particularly certain things
14 that involve this incident but not other
15 things the next day or --

16 MS. LOVELACE: Generally it feels like
17 -- it is not just incidents, generally it
18 feels like remembering a lot of who Tiffany
19 was, how she presented not so much as it
20 relates directly to him. Like I didn't
21 want to hear what she was talking about at
22 5 o'clock in the morning, I was trying to
23 sleep, she was arguing, I didn't want to
24 hear it, and other kinds of things like
25 that. But it feels like he's very clear

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1 that she threatened him -- no, he said that
2 he didn't understand that she was
3 threatening him about the film. But what
4 he did say was that she said who is going
5 to believe you. He says he is 100 percent
6 clear that she said who is going to believe
7 you as a black man and I am a white woman,
8 and a few other things. So there seems to
9 be 100-percent knowledge about some things
10 and some awarenesses (sic) about things.
11 But it just feels like, as a person who is
12 listening, that it was difficult to capture
13 what he remembered about himself in much of
14 what was happening. So I am trying to
15 understand -- I think it is a comment,
16 maybe more a comment than a question.

17 **Q.** But I do wonder if you have any thoughts
18 about it. The comment from me is: It feels like
19 there is this difference, and I am trying to
20 understand how -- could you answer in any way, do
21 you have any thoughts about why there is that
22 difference?

23 **A. Well, these events happened a year ago,**
24 **so. And a lot of the questions I was being asked**
25 **were very specific questions.**

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1 **Q.** Okay.

2 **A. And I'm not going to say something if I**
3 **am not exactly sure -- remember what exactly**
4 **happened. But I do remember because -- I mean has**
5 **anything crazy ever been said to you guys,**
6 **especially about race and who you are that I'm**
7 **going to ruin you and no one's going to believe**
8 **you because you are a black man and I'm a white**
9 **woman. That is something that I think if anyone**
10 **in this room was a black athlete, they would**
11 **remember it. So I feel like there are certain**
12 **things that will be remembered like that.**

13 **Q.** Thank you. Thank you. That's clear.

14 MR. HOUSTON: I have two questions.
15 BY MR. HOUSTON:

16 **Q.** My first question was: How long were
17 you in a relationship with her?

18 **A. We knew each other since -- it was**
19 **January of 2015.**

20 **Q.** So maybe a year, year and a half?

21 **A. We knew each other that long. We**
22 **probably didn't start hanging out a lot until like**
23 **late that fall.**

24 **Q.** And my next question, it may not be
25 appropriate -- I need to add one more question.

E. ELLIOTT

1 When did you obtain legal counsel?

2 **A. I obtained legal counsel after I**
3 **declared for the NFL Draft.**

4 **Q.** For the Draft?

5 **A. Yes.**

6 **Q.** My third question: Was there ever a
7 restraining order put into your relationship
8 against you or her?

9 **A. There was not.**

10 **Q.** Okay.

11 BY MS. WHITE:

12 **Q.** Let me go back to the question I guess
13 you have been asked about more times than you'd
14 like, the ultimate question, whether it was
15 phrased first have you ever hit Miss Thompson and
16 then assault and then hit we talked about. Have
17 you ever, in any way, ever grabbed, shook, hit,
18 choked or any other way physically demonstrated
19 physical violence toward Miss Thompson?

20 **A. No, ma'am.**

21 **Q.** Another question along the lines of that
22 I guess, to pursue that a little bit. You told us
23 about how Miss Thompson goes out a lot, takes
24 pills, falls down. Obviously you testified to
25 observing some of the bruises and marks that

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1 you've seen in the photographs are while she was
2 with you in Columbus during that July time period
3 and not others. And you read, at least parts of
4 the investigative report and the medical
5 assessment of those injuries, some of which seem
6 to have been recent in that timeframe while she
7 was in Columbus or at least consistent with being
8 recent injuries during that timeframe. Do you
9 have any evidence to suggest, I know you've said
10 you didn't cause those, any evidence to suggest
11 how those might have occurred?

12 **A. I really don't know. But I think I did**
13 **read in the report that you guys probably could**
14 **explain this differently, some of the bruises were**
15 **found to be that they could have been there**
16 **before --**

17 **Q.** Yes.

18 **A. -- I was even in Columbus.**

19 **Q.** Some of them, yes. Some of them, yes.

20 **A. I have no idea.**

21 **Q.** As far as you know, no evidence came to
22 your attention while she was in Columbus of any
23 injuries she sustained elsewhere?

24 **A. No, ma'am.**

25 MR. JONES: Did the advisors have

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1 anything else?

2 MS. WHITE: I have one, if I may, just
3 really one observation, a question: As you
4 are doing your submission on behalf of Mr.
5 Elliott, at least as -- because I am going
6 to do a lot more work on the report and
7 your response and all the evidence, but I
8 have some sense that before sort of the
9 dating of some of the bruises and other
10 marks became clear through metadata, that
11 basically a major part of the explanation
12 for how those got on Miss Thompson were
13 really from that July 22, I call it the
14 "bar incident."

15 MS. FRIEL: The "girl fight."

16 Politically incorrect, the "girl fight."

17 MS. WHITE: And then now that that
18 timing information is out there, there
19 seems to be less of that at least coming
20 forth today by way of explanation rather
21 than she gets bruised all the time,
22 etcetera. So just have that in mind as a
23 mindset when you do your submission, if you
24 would.

25 MR. HARVEY: I have one additional

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1 question. I am more curious about it than
2 anything else.

3 BY MR. HARVEY:

4 **Q.** Mr. Elliott, did you ever ask your
5 family members to allow themselves to be
6 interviewed by NFL investigators?

7 **A. No.**

8 **Q.** Did you ever ask Mr. Jackson, Alvarez
9 Jackson, to be interview by NFL investigators?

10 **A. I did not ask him.**

11 **Q.** Did you ever have a conversation with
12 your family members about whether or not they
13 would be interviewed by NFL investigators?

14 **A. We told them that -- the NFL reached out**
15 **and asked them if they wanted to be interviewed**
16 **and they declined.**

17 **Q.** Do you know why they declined?

18 **A. I do not.**

19 **Q.** What about Mr. Alvarez Jackson? Did you
20 ever have a conversation with him about whether or
21 not he would give an interview to NFL
22 investigators?

23 **A. I knew you guys wanted to interview him.**
24 **I told him that. He knew that. Obviously you**
25 **guys contact people a lot. Everyone that came to**

E. ELLIOTT

1 **me about interviews, I told them, you guys do**
 2 **whatever you want to do. You guys can't even ask**
 3 **me what you should do. I got this from my**
 4 **friends, her friends, everyone. I mean, general**
 5 **consensus from everyone was they were just tired**
 6 **of the whole incident. It was dragged on so long**
 7 **that they were over it.**

8 **Q.** Let me just come back to Mr. Jackson.
 9 Can you share with us as best as you can recall
 10 right now what your conversation was with him
 11 whether or not he would be interviewed by NFL
 12 investigators?

13 **A. He just told me they were trying to**
 14 **interview him. I was like okay. You can do it if**
 15 **you want. I don't know.**

16 **Q.** What did he say? Did he say he wanted
 17 to do it or he didn't want to do it?

18 **A. He said he didn't know what he should**
 19 **do.**

20 **Q.** What did you say in response?

21 **A. I said, "I can't tell you what to do."**

22 **Q.** Did he ever tell you whether or not he
 23 did interview with NFL investigators?

24 **A. I don't think he ever told me whether he**
 25 **did or didn't.**

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1 MR. HOUSTON: I just have a question in
 2 mind because I know the security that you
 3 guys have around you in an NFL setting.

4 BY MR. HOUSTON:

5 **Q.** When you talked to the people in place
 6 in Dallas, did they recommend an attorney or did
 7 they recommend some type of action that you should
 8 take or somebody that you should call?

9 **A. They didn't. Actually, Frank Salzano,**
 10 **who works as one of my agents is an attorney and**
 11 **this is his partner.**

12 **Q.** Now, are you from Columbus?

13 **A. No, I am from St. Louis, Missouri.**

14 **Q.** From where?

15 **A. St. Louis, Missouri.**

16 **Q.** So had you met this young lady prior to
 17 -- I know I read about going into the Draft, but
 18 how long was it before you were in the process of
 19 being drafted before you met this young lady, Miss
 20 Thompson?

21 **A. I met her during my sophomore year in**
 22 **college. I left after my first semester of my**
 23 **junior season.**

24 MS. WHITE: May I ask Lisa a couple of
 25 questions? One is I guess just in terms of

COLLOQUY

1 Miss Thompson's whereabouts during that
 2 week in Columbus when she was not with Mr.
 3 Elliott. What kind of investigation have
 4 you done of that issue? I will call it an
 5 issue. And would there have been
 6 opportunity for there to have been
 7 occurrences that might have caused some of
 8 the injuries that we are seeing elsewhere
 9 in other words?

10 MS. FRIEL: I would say, yes, certainly
 11 we looked into what she did the entire
 12 week, just as we did with Mr. Elliott and
 13 pieced that together by a combination of
 14 what she told us, but then looking to
 15 verify that with the other evidence that we
 16 got. And the text message evidence was
 17 probably the most helpful evidence that we
 18 had that could place her in places that she
 19 said that she was. I would say, I could do
 20 percentages for you if I sketched it out,
 21 but the great majority of the time that
 22 week we can tell from both what Mr. Elliott
 23 said and she said and Alvarez said, that
 24 they were together most of the week, either
 25 out or back in the apartment.

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1 There were times when they were apart
 2 when she was back in her own apartment that
 3 Mr. Elliott had provided her with that we
 4 could verify.

5 There were the times that she was at
 6 the mall that you can again verify they had
 7 been in the mall and out for dinner.

8 There were a couple of nights, I can
 9 look back and we can all look at the
 10 timeline, that they went out separately.
 11 If you recall, there were a few nights that
 12 they didn't go out together socially, if
 13 you will. One of those she didn't go out
 14 at all. The other night she went out and
 15 met friends and other people. We tried to
 16 interview anybody that she said she had
 17 been out with, and I would say most people
 18 declined to become involved in this NFL
 19 investigation.

20 MS. WHITE: And then, Adolpho, you tell
 21 me if this is an inappropriate question.

22 You've obviously, and your
 23 investigators, your staff as well, have
 24 interviewed Miss Thompson several times
 25 from the record. With respect, I will

COLLOQUY

1 start at the back end. With respect to
 2 what she has told you and told the police,
 3 city attorney, with respect to the July 22
 4 incident, have you found what she said to
 5 you -- we will take it with you first -- to
 6 be credible, as to the July 22 event?
 7 MS. FRIEL: No.
 8 MS. WHITE: Otherwise, have you
 9 generally found her to be credible? I know
 10 that is a big question.
 11 MS. FRIEL: It is a big question. I
 12 will go back and say it this way. We felt
 13 comfortable making the determination that
 14 she was not credible about the July 22
 15 incident in large part because her own
 16 friend, Ayrin Mason, said it did not occur.
 17 And we found Ayrin Mason very credible.
 18 I would say the other person we found
 19 very credible was her Aunt, Elaine Glenn.
 20 What we looked at in terms of looking at
 21 the evidence was here's what Miss Thompson
 22 said and what other evidence can we gather
 23 to see if it backs up her credibility or
 24 does not back up her credibility. And that
 25 would be hard evidence, like the text

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COLLOQUY

1 messages; they say what they say, they went
 2 to who they went to. The photographs,
 3 especially the ones with metadata on them.
 4 The opinions we got back from the two
 5 doctors that we spoke to. And as I said,
 6 Ayrin Mason who saw injuries during the
 7 week as did her Aunt both seeing it
 8 FaceTime and then seeing photographs that
 9 got sent. I want to say it that way, that
 10 that evidence is really, in my opinion,
 11 what we should be looking at, and what does
 12 all that corroborative consistent or
 13 inconsistent evidence say about Miss
 14 Thompson's credibility.
 15 MS. WHITE: That is helpful. Thank
 16 you.
 17 MR. HOUSTON: Can I ask you a question?
 18 MS. FRIEL: Uh-hum.
 19 MR. HOUSTON: On the baring of the
 20 breasts, how did that come into play; was
 21 that reported?
 22 MS. FRIEL: I guess other people
 23 videotaped it. What we have there, that
 24 videotape was made by someone else.
 25 MR. HOUSTON: It wasn't the young lady,

COLLOQUY

1 it wasn't the Cowboy organization, it was
 2 just a person that was videoing.
 3 MR. ARCENEUX: TMZ.
 4 MS. FRIEL: Someone videotaped it and
 5 then released it, sold it, I don't know
 6 which, to TMZ.
 7 MR. ARCENEUX: Sold it.
 8 MS. FRIEL: It came out publicly. And
 9 we looked into it because it came out
 10 publicly. I can't remember which of Mr.
 11 Elliott's lawyers said this, but it is true
 12 and it is in the report that we wrote, that
 13 we located this young woman, who did say
 14 that she was friends with Mr. Elliott and
 15 did say that she wasn't upset by what had
 16 happened.
 17 MR. HOUSTON: So she never filed
 18 charges or anything like that?
 19 MS. FRIEL: No, she did not.
 20 MR. JONES: Any other questions,
 21 advisors?
 22 I think Lisa may have some questions on
 23 another topic, but before we go there,
 24 Adolpho kind of nudged me and said if Mr.
 25 Elliott wants to make a more fulsome

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COLLOQUY

1 statement of what you said in response to
 2 your questioning.
 3 MR. SALZANO: How much longer?
 4 MS. FRIEL: It is short. What I want
 5 to do is just the way I kind of laid out
 6 the incidents that are still being looked
 7 at as potential subjects of discipline, I
 8 want to do the same in the cooperation
 9 area, and layout some of the things that
 10 we're looking at. I have a couple of
 11 questions that relate to that and that will
 12 also give you and Mr. Elliott an
 13 opportunity to address those things before
 14 we leave here today.
 15 MR. JONES: I think we are good on
 16 time, so you can save it and Mr. Elliott
 17 can have the last word.
 18 MS. FRIEL: Yeah, if you want me to go
 19 first, so --
 20 MR. EHRLICH: When you say,
 21 "cooperative," are you talking about things
 22 that you are looking for that you wanted
 23 that haven't been turned over or his
 24 cooperation in being forthcoming with you?
 25 I am not sure what you're --

PROCEEDINGS

1 MS. FRIEL: I am going to lay that out.
 2 That was going to be the next thing I was
 3 going to go into. We just wanted to know,
 4 do you want me to do that now or do you
 5 want to talk first and then do that after?

6 MR. EHRLICH: Let's go ahead and do
 7 that now.

8 MS. FRIEL: Okay.

9 So, Mr. Elliott also faces possible
 10 discipline for not cooperating fully in the
 11 League's investigation. And this would
 12 relate to a failure to preserve relevant
 13 evidence as well as a failure to provide
 14 relevant evidence to the League. And,
 15 specifically, that evidence would be
 16 evidence that was contained in his two cell
 17 phones that relate to text messages, call
 18 logs, and any other evidence of
 19 communications with Tiffany Thompson
 20 between the dates of July 1, 2016 and
 21 December 16, 2016, when the League first
 22 formally requested that evidence.

23 Also, when we requested similar
 24 evidence regarding his communications with
 25 other people about what had happened

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1 between he and Miss Thompson the week of
 2 July 16 through July 22.

3 So, to date, the League has not been
 4 provided with the substance of any text
 5 messages responsive to those requests.

6 We were recently provided with some
 7 cell phone billing records. I understand
 8 that Mr. Ehrlich and Mr. Birch have had
 9 some conversations that Mr. Elliott may be
 10 providing us with some additional materials
 11 responsive to those requests we first made
 12 in December.

13 But we want to put you on notice that
 14 we are looking, at least the disciplinary
 15 side of this, is looking at that as a
 16 potential subject for discipline.

17 The other area in terms of cooperation
 18 that would be looked at is whether Mr.
 19 Elliott was not truthful during the
 20 investigation in any regard. Cooperation
 21 requires not just answering questions, but
 22 answering them truthfully.

23 I will give you a list of some of the
 24 things that would be looked at regarding
 25 statements he made back in his interview on

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1 September 28 and some of which he repeated
 2 today.

3 One would be whether -- well, one is he
 4 told Miss Roberts during his interview on
 5 September 28 that he never considered
 6 Tiffany Thompson his girlfriend, quote,
 7 unquote, his girlfriend. And that they
 8 were never in a, quote, relationship,
 9 unquote, other than having sex.

10 There are many text messages as laid
 11 out in the report in which he uses those
 12 very words, refers to her as his
 13 girlfriend, using that word, and certainly
 14 uses the word relationship. That is laid
 15 out in the report, some of those text
 16 messages.

17 Another potential area would be whether
 18 they had ever lived together. Mr. Elliott
 19 said she never lived with him during the
 20 time of the fall 2016.

21 As you know from the report, Miss
 22 Thompson said that she did; her family,
 23 mother, father, and aunt all say that she
 24 did. Her friends say that she did. There
 25 is even some evidence that she got mail at

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1 that apartment, that would be the Canvas
 2 Back Lane apartment.

3 Number three, during the July -- during
 4 the September 28 interview, Miss Roberts
 5 asked Mr. Elliott if Tiffany, to his
 6 knowledge, had ever called the police on
 7 him before July 22 and he said, no, not to
 8 his knowledge.

9 We know, and you see in the report,
 10 that she had called the police on him back
 11 in Aventura, Florida, a few months before
 12 in February. And, in fact, the police had
 13 arrived and questioned Mr. Elliott. So
 14 that is a potential area he was not
 15 truthful in.

16 Number four, that when he was first
 17 asked whether she had ignored him on the
 18 street on the night of Monday, July 18, Mr.
 19 Elliott told Miss Roberts that she had not.
 20 That at no time was she ignoring him. In
 21 fact, he was trying to get rid of her. He
 22 was then confronted with the text messages,
 23 in which his words are: "You ignored me."
 24 And I am going to put your shit out or
 25 words to that effect. And then he

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1 responded, well, maybe she ignored me for a
2 few seconds.

3 A fifth potential area that we would
4 look at is as he stated a number of times
5 here that after she picked him up at the
6 airport, she wasn't supposed to stay with
7 him, and he was trying to get rid of her
8 all week. We've had a lot of conversation
9 about that again today. We would be
10 looking at that, as there are some text
11 messages, many of them, that we talked
12 about today that seem to contradict his
13 statements.

14 He stated that all day on Thursday,
15 July 21 that he was trying to get rid of
16 her and break up with her. I think he said
17 he went over to her apartment and told her
18 that they were done and they were over.

19 Again, there is some text message
20 evidence that would suggest that that
21 wasn't truthful. That that was not, in
22 fact, what was going on on July 21.

23 Mr. Elliott also told Miss Roberts that
24 she had threatened to ruin him multiple
25 times, all week long, not just that night.

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1 One of the things that we would be looking
2 at is there is no text messages to that
3 effect, none of his friends heard her make
4 any threat earlier in the week at all.
5 Alvarez Jackson spent almost all the time
6 they were together with them in the
7 apartment and has never stated that she
8 made that threat earlier in the week.

9 Number eight, whether or not Tiffany
10 Thompson actually said in that parking lot,
11 quote: "No one is ever going to believe
12 you; you are a black athlete, I am a white
13 girl."

14 We will be looking at the evidence that
15 not one other person in the parking lot
16 that was standing there at the time that
17 she made whatever remark that she made that
18 she was going to ruin him said that to the
19 police. None of those people wrote that in
20 their affidavits or had that included in
21 their affidavits. Mr. Elliott didn't say
22 that to the police. They didn't write it
23 in their reports. He didn't write that
24 statement in his written statement that
25 they allowed him to write out. So we would

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1 be looking at all that information.

2 I would say that is the specifics. I
3 would have to look back at the transcript
4 and see. We've all heard today what he
5 said today about different things. But
6 those are the areas that I would say we
7 would look at and assess whether he's
8 totally cooperated and been truthful in
9 everything that he's said.

10 EXAMINATION BY

11 MS. FRIEL:

12 **Q.** If I can just ask you a couple of
13 questions, Mr. Elliott. And based on that your
14 attorneys may want to ask you some questions.

15 First is: Mr. Harvey asked you after
16 this week in July and these alleged incidents came
17 out more public, he asked you some questions about
18 whether you spoke to Jason Cohen, the Cowboys
19 lawyer; do you remember Mr. Harvey asking you
20 those questions?

21 **A. Yes.**

22 **Q.** And you said you had spoken to Mr.
23 Cohen, but there was no conversation with Mr.
24 Cohen about preserving any evidence relative to
25 what had gone on the week of July 16 to the 22nd,

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1 correct?

2 **A. Correct.**

3 **Q.** But did you have conversations to that
4 effect, that is about you should preserve all the
5 evidence that you have regarding that week with
6 your agent, Mr. Arceneaux?

7 **A. Can I answer that?**

8 **Q.** We'll state this, Mr. Arceneaux told us
9 when we interviewed him that, in fact, he told
10 Jason Cohen that. Jason told us that too. And
11 that he told --

12 **MR. EHRLICH:** Why are we wasting our
13 time if he's already told you? Actually,
14 what you want to do is cross-examine him
15 further.

16 **MS. FRIEL:** No, it has to do with
17 cooperation. And I want to understand from
18 Mr. Elliott if he was told by his agent to
19 preserve all the evidence that relates to
20 that week.

21 **MR. EHRLICH:** How about you ask him
22 instead of, because I think he is
23 uncomfortable asking (sic) questions
24 regarding who told him what. But if you
25 want to ask him what his understanding was

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1 as to whether he needed to save certain
2 things. Because he may not even know who
3 told him what at what point.

4 **Q.** Were you told by anyone on July 22 or
5 very soon thereafter that you should preserve all
6 evidence that you have relevant to what happened
7 the week of July 16 through July 22?

8 MR. SALZANO: Are you including
9 attorney-client communications in that
10 question?

11 MS. FRIEL: You just told me not to ask
12 who it was, that is why I asked about
13 Rocky, who is not his attorney. I can go
14 back to ask the Rocky question, which is
15 what I wanted to do, so I didn't do the
16 attorney.

17 MR. SALZANO: Why don't we ask did he
18 ever receive a letter from the NFL or any
19 other communication?

20 MS. FRIEL: Because that is not the
21 question I want to ask.

22 MR. SALZANO: We will ask him that.

23 MS. FRIEL: So, Mr. Ehrlich, do you
24 want me to ask it: Did Mr. Arceneaux, who
25 is not his lawyer, ask it or do you want me

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1 to just ask anyone?

2 MR. EHRLICH: You can make it specific.

3 BY MS. FRIEL:

4 **Q.** This is your agent, Mr. Arceneaux,
5 sitting here, yes?

6 **A. Yes.**

7 **Q.** You spoke to Mr. Arceneaux during the
8 day of July 22, correct?

9 **A. Yes.**

10 **Q.** Pretty soon after that Tiffany called
11 the police broke in the media, correct?

12 **A. Yes.**

13 **Q.** Mr. Arceneaux told you a couple of
14 things that he thought you had to do, correct?

15 **A. Yes.**

16 **Q.** For instance, tell me, did he tell you
17 that you needed to get out of Columbus quickly?

18 **A. Yes.**

19 **Q.** Did he tell you that were you not going
20 to go to Miami and celebrate your birthday anymore
21 given what had just happened?

22 **A. Yes -- actually, before then, I went to**
23 **the airport to go catch my flight because the**
24 **police, when they were getting us with reports and**
25 **stuff, I missed my flight. After he told me I**

E. ELLIOTT

1 **don't need to go and make a new flight.**

2 **Q.** In the end, he had you come meet him in
3 Montreal, in his home in Montreal?

4 **A. Yes.**

5 **Q.** Did he also tell you, as he's giving you
6 these instructions, to stay off of social media?

7 **A. Yes.**

8 **Q.** Did he tell you not to answer, if
9 Tiffany Thompson called you, not to answer the
10 phone?

11 **A. Yes.**

12 **Q.** Did he tell you not to respond to any
13 text messages that Tiffany may send you?

14 **A. Yes.**

15 **Q.** Did he also tell you to preserve any
16 evidence that you have relevant to the week of
17 July 16 through July 22?

18 **A. Yes.**

19 **Q.** That evidence might include the text
20 messages that you guys exchanged all week long,
21 right?

22 **A. You can say that, but I didn't know you**
23 **guys were going to ask me that. By the time you**
24 **asked me to provide the text messages, I had**
25 **already got the new phone.**

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1 **Q.** So let me ask you about that, you said
2 you got the new phone --

3 **A. My understanding when he said preserve**
4 **everything I had, I had a couple of screen shots**
5 **of text messages of her sending me crazy stuff**
6 **like over text, like, which you guys have already**
7 **because you got it from her. I screen-shotted how**
8 **many time she called me. I am pretty sure you**
9 **guys have that too, so I am confused.**

10 **Q.** We certainly do have screen shots of the
11 times that she called you after July of 2016. I
12 am talking about for the week of July --

13 **A. The way a phone works is, as the days go**
14 **through, your call log deletes. Can you go on**
15 **your phone and go back a month to see who called**
16 **you that day? You couldn't do that. So**
17 **automatically, I couldn't even -- by the 19th, I**
18 **wouldn't have how many times she called me the**
19 **16th. On these days, she is calling me so many**
20 **times, I think you can only hold 50 calls in your**
21 **phone. By the time of the night that she called**
22 **the police, all I have is the screen shots from**
23 **that night.**

24 **Q.** But the time she called the police on
25 July 22, that was in the early morning hours and

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1 you spoke to Mr. Arceneaux that very day, you
2 still would have had call log information in your
3 two phones.

4 **A. From what days?**

5 **Q.** Certainly from the 22nd, correct, that
6 day?

7 **A. Yeah.**

8 **Q.** From the 21st?

9 **A. No. She called me literally -- the same**
10 **way she called me last night -- you want to see my**
11 **phone?**

12 **Q.** No.

13 **A. The same way she called me last night,**
14 **she sat outside on the street and called me**
15 **nonstop, nonstop, nonstop, probably 50 to 100**
16 **times. So, no, I didn't have anything from the**
17 **day before.**

18 **Q.** When you spoke to Rocky on July 22 and
19 he gave you all the instructions that he gave you,
20 you still had many text messages between you and
21 Miss Thompson in your phone, didn't you?

22 **A. I did.**

23 **Q.** In both phones, you had two phones,
24 didn't you?

25 **A. I did.**

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1 **Q.** You went ahead some months later and got
2 new phones and did not preserve those text
3 messages, correct?

4 **A. I didn't know I was supposed to preserve**
5 **those text messages.**

6 **Q.** I will find out the exact date that the
7 iPhone 7 came out; some time in the fall of 2016,
8 could have even been as late as December, but
9 we'll get that date.

10 Did you pay for the two new iPhone 7Ss
11 with a credit card or with cash?

12 **A. I cannot remember.**

13 **Q.** Do you recall where you purchased those
14 two new iPhone 7Ss?

15 **A. Yes.**

16 **Q.** And where?

17 **A. At the AT&T store.**

18 **Q.** There is more than one AT&T store?

19 **A. The one in Dallas where I was at.**

20 **Q.** There is probably more than one in
21 Dallas too. Do you happen to recall where in
22 Dallas?

23 **A. Stonebriar Mall.**

24 **Q.** Okay. Thanks.

25 **MS. FRIEL:** I think that is all I have.

COLLOQUY

1 If anybody else has any questions.

2 **MR. BIRCH:** I think we are fine.

3 I think the one thing I would say is as
4 Lisa has laid out, those are the areas that
5 are of concern to us on the cooperation
6 end. I think what may be valuable is
7 insofar as you're making a submission,
8 address those things in specific as well,
9 to at least reflect if there is other
10 information that you can get about where
11 things are purchased, whatever you believe
12 is relevant, to kind of talk about that, I
13 think it will be helpful if that was
14 included in your submission. I know that I
15 am adding to the length of it potentially,
16 but I think it is probably relevant.

17 **MR. EHRLICH:** I don't want to cast
18 dispersions, but I want the advisors to
19 understand so that they are not left with
20 the impression that there was not a
21 discussion about this and that they don't
22 have a full understanding of what
23 transpired as this meeting was being set
24 up.

25 It is unfair to Mr. Elliott, for them

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COLLOQUY

1 to be left with the impression that you
2 folks asked for information and he just
3 simply ignored it. Because on the day
4 before this report came out, there was a
5 request made to our office asking for
6 information. I contacted you folks and
7 advised that we would do our best to find
8 out what information had not yet been
9 provided because there was an attorney
10 handling this who is no longer handling the
11 file at the moment. And we were going to
12 find out what hadn't been produced, what
13 could be produced, what was available, and
14 we would get back to them. In between
15 that, a thousand-page document shows up, so
16 obviously that got pushed to the
17 background.

18 You and I obviously more recently spoke
19 and we have indicated that we are going to
20 try to put together as much of the
21 information that you asked for so that is
22 available and to indicate that this is a
23 failure to cooperate and to produce just is
24 not fair to Mr. Elliott.

25 **MS. FRIEL:** I didn't indicate that. I

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1 said that these are potential areas that we
2 would be looking at and even mentioned that
3 you are going to be providing more
4 materials.

5 MR. BIRCH: I hope the advisors
6 understand that point, because I certainly
7 wasn't trying to suggest that there were
8 conclusions drawn on the point. I think
9 the idea was to flag some of the things
10 that are certainly of concern or at least
11 that we need to understand, and then make
12 sure that we have, at least, the fullest
13 opportunity to hear what your position on
14 those items would be. I think that is
15 really what we're trying to get at.

16 MR. HARVEY: Something that Mr. Houston
17 asked that just popped in my head. If you
18 don't mind, I just want to ask it.

19 BY MR. HARVEY:

20 **Q.** Mr. Elliott, am I remembering right that
21 you paid for Miss Thompson's apartment or an
22 apartment for her?

23 **A. I did.**

24 **Q.** For how many months?

25 **A. Probably March through the incident.**

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1 **March 16 through.**

2 **Q.** Is it also true that you paid for a car
3 for her?

4 **A. I did.**

5 **Q.** During the time you were paying for
6 these two items -- by the way, how many months for
7 the car?

8 **A. March, April, May, June, July.**

9 **Q.** So during the time period that you paid
10 for the apartment and the car, were you paying
11 similar expenses for any other woman?

12 **A. My mom.**

13 **Q.** Other than your mom, other than your
14 mother?

15 **A. No.**

16 **Q.** Any other woman with whom you were
17 engaged with?

18 **A. I would help my friends out when they**
19 **needed help. She wasn't the only person I was**
20 **helping out.**

21 MS. LOVELACE: Can you give examples of
22 other ways that you have helped other
23 people, particularly during that period
24 time?

25 MR. ELLIOTT: Any time my friends

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1 needed money.

2 MS. LOVELACE: And what would be the
3 maximum amount of money that you might have
4 given somebody?

5 MR. ELLIOTT: I gave my friends several
6 thousands of dollars.

7 MR. HARVEY: Thank you. That is all I
8 have.

9 MS. LOVELACE: I have a question. Now
10 I will have to try to remember it.

11 I will try to remember it, and if I do,
12 I will raise it. Thank you.

13 MR. JONES: If you want to take
14 advantage of the opportunity with this
15 audience here to have the last word or Mr.
16 Elliott make --

17 MR. ROSENBLUM: I have a few closing
18 remarks.

19 MR. JONES: This is the opportunity.

20 MR. ROSENBLUM: Well, we're certainly
21 recognized and appreciative that Miss Friel
22 has indicated that they are not persuing
23 discipline from the July 22 incident,
24 rightfully so. And I think she was
25 directing her response to Miss White when

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1 she said that they found, that the
2 investigators found Miss Thompson not to be
3 credible with respect to that incident.

4 I don't think you can look at that
5 credibility or her credibility on that
6 incident in a vacuum. I think that issue
7 is not just confined to where they can
8 objectively prove that not only did she
9 lie, but think about the lie that she made.

10 She told a lie to purposely destroy a young
11 man's career and engaged her friends, a
12 friend, in that conspiracy to do so. And
13 she gave a detailed lie with detailed
14 descriptions, which allows this panel to
15 understand what she is capable of. Only
16 because Miss Mason had some scruples and
17 came forward with the truth, was it
18 exposed. So I don't think you can discard
19 that as in a vacuum and say, okay, she
20 wasn't credible there. You don't put on
21 and put off your credibility as a witness;
22 you are either credible or you're not.

23 I think that incredibility of Miss
24 Thompson runs through this entire
25 investigation. I think it speaks volumes

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1 that the NFL tried to contact, I think,
 2 "many," was the word, of her friends that
 3 had relevant information, and all of them
 4 chose not to do so, not to come forward.
 5 Why would her friends not come on her
 6 behalf with relevant information unless
 7 they didn't want to be in a position like
 8 Miss Mason and be put in a position where
 9 they would be asked to lie.

10 So, credibility is -- it is always
 11 difficult to assess credibility, except in
 12 some cases when it is easy to expose, like
 13 Miss Thompson. But certainly you have to
 14 look at whether or not that person has
 15 bias, an agenda, what that person is
 16 motivated by, whether there is animus or
 17 vindictiveness, and you have all that in
 18 this case. She has clearly shown herself
 19 to be all those things. In fact, I don't
 20 think there was a lie too big or too small
 21 that she was going to tell.

22 This entire investigation, this entire
 23 work product is littered with
 24 inconsistencies. When you go through the
 25 product and try to determine what

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1 inconsistencies she's told, it is virtually
 2 impossible because almost every time she
 3 told the story, it changed. Why is that?
 4 I mean it is a basic issue. When one
 5 decides to go down the slippery slope of
 6 telling a lie, it is hard to remember your
 7 lies. The truth doesn't really change.
 8 You don't have to remember it, you can tell
 9 it a hundred times and it's not going to
 10 change. When you are trying to remember
 11 your lies, that's when you are going to get
 12 in trouble. And some of them are easily
 13 exposed.

14 There was a question with respect to
 15 the metadata and the bruising. I think
 16 when an event like this happens, and you
 17 look for explanations, you look for obvious
 18 explanations. That is an obvious
 19 explanation that she got in a cat fight.
 20 She lied about it incidentally and said
 21 there was no punches thrown or no punches
 22 connected and that it was just a brief
 23 moment or two. That lie was exposed by two
 24 security officers that said to the
 25 contrary, it was a full-on fight, and

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1 exposed by two off duty police officers
 2 that have no axe to grind. Why would two
 3 off duty police officers completely
 4 contradict Miss Thompson.

5 So I think certainly when you are
 6 searching for answers, when you're
 7 confronted with something sort of out of
 8 the blue and you are put in a position
 9 where you have to defend yourself, some
 10 things jump out in a very positive -- in a
 11 very obvious fashion.

12 With respect to Tiffany Thompson and
 13 the lengths that she would go to, when Miss
 14 Friel was making a presentation about the
 15 bruising on July 18. And we went through
 16 all of the three series of bruises -- we
 17 can put the exhibit back up there; 3A, 3B,
 18 3C, 3E, and 3F, 3F being the bite mark or
 19 the hickey. Well, what is interesting
 20 about all of those bruises, in the context
 21 of what was being alleged, was that on that
 22 day she has a conversation with her Aunt by
 23 text, where she makes this allegation
 24 against Mr. Elliott. She is requested by
 25 her Aunt at that time to send pictures.

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1 Interestingly enough, on July 18 she's
 2 already taken those pictures. Based on the
 3 metadata, she took them at 3:33 to 4:13.
 4 Those were the pictures that she sent to
 5 support an allegation that he abused her on
 6 that day with a key incident. He had not
 7 arrived in town until the 16th. Their
 8 experts put those pictures at between one
 9 week to ten days and sometimes two weeks,
 10 making it virtually impossible for him to
 11 have caused those injuries, yet we use a
 12 sophisticated tale, she takes pictures and
 13 sends it down to her Aunt in a way to blame
 14 that on Ezekiel.

15 What is also interesting to me, the
 16 extents of this -- I have tried over 400
 17 jury trials and this is an extensive
 18 investigation. I haven't seen any
 19 investigation like this in a lot of murder
 20 cases, slanted, I believe, but still
 21 extensive. But the one thing I did not see
 22 is when the metadata came out that would
 23 indicate that she is lying about the July
 24 18 pictures and injuries, that she was not
 25 reengaged and asked and confronted with

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1 that. We now have evidence to suggest that
 2 our doctors are saying you're lying, Miss
 3 Thompson, about those injuries, tell me
 4 about it, tell me why you are lying about
 5 those injuries. That is nowhere in this
 6 170 pages and nowhere in any of the
 7 documents that I saw. And that is a
 8 question that needed to be answered because
 9 that is documented proof that she is lying.

10 With respect to the question that Miss
 11 White had, look, she had a lifestyle where
 12 she was a bottle service girl; that invites
 13 unwanted contact. Nobody can establish
 14 where she was at all times during the
 15 course of the time that Ezekiel was in
 16 town. They had plenty of times when they
 17 were alone. In fact, one of the things
 18 that she lies about to the investigators is
 19 that I gave him some alone time. That is
 20 contradicted by her multiple phone calls
 21 during the time that he was alone.

22 She lies to the investigators on what
 23 she was doing on July 17, when she said she
 24 wasn't drinking, per se, but yet her text
 25 messages show that she was drunk as she

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1 could be -- duck, fuck (sic). And tells
 2 her friend the next day I was really fucked
 3 up on Molly and drinking the night before.
 4 Another lie. Another lie where she is not
 5 confronted about it.

6 So when your looking at, as Miss White
 7 said, other explanations for bruises; first
 8 of all, some of the bruises to me, I mean
 9 they are not something that you will
 10 ordinarily notice if you are with a person
 11 that is always bruising from drinking and
 12 falling down. She obviously was engaged
 13 and she admitted to the investigators that
 14 she was involved potentially with other
 15 men. She would flaunt that situation to
 16 excite Ezekiel, just like she did when she
 17 mentioned and lied to the investigators
 18 that she was involved with a Cowboy Dallas
 19 (sic) football player, not sexually, only
 20 on Instagram. That lie was exposed.

21 So she is involved with other people,
 22 she is living a lifestyle as a bottle girl,
 23 where there is a lot of contact. She is
 24 living a lifestyle where she is with other
 25 people at times. She is intoxicated on a

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1 daily basis where she is falling down. So
 2 there is any number of explanations, not
 3 the least of which was the obvious, which
 4 was the cat fight.

5 Again, what it all comes down to,
 6 Ezekiel is in the unenviable position of
 7 having to prove a negative. Nobody can
 8 prove a negative. When I was listening to
 9 him being questioned, why are you more
 10 specific on this, why do you remember that
 11 somebody made that awful statement to you
 12 and you don't remember some of the other
 13 details, it is like asking anybody at this
 14 panel, do you enjoy Christmas, did you have
 15 Christmas two years ago, tell me what you
 16 were wearing, tell me what kind of gifts
 17 you got; nobody is going to remember that.
 18 They are going to remember having
 19 Christmas, they definitely had it. And
 20 they were probably wearing clothes, but
 21 they are not going be able to tell us what.

22 So when you go through -- so what you
 23 look at, when I am listening to Ezekiel, he
 24 is a young man that certainly certain
 25 things stick out more than others.

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1 Certainly when he is put in a position
 2 where somebody is trying to ruin everything
 3 that he's worked for and to suggest that
 4 she didn't say it because other people
 5 didn't hear it. Certain things you say
 6 privately. Certain things you say maybe
 7 when you're in your bedroom; nobody is
 8 listening. We don't live in a world where
 9 everything is recorded. Just because
 10 somebody didn't hear it, it doesn't mean
 11 that it didn't happen. In fact, the fact
 12 that 15 or more people actually heard it on
 13 that parking lot that night gives
 14 credibility to Ezekiel when he said it was
 15 going on. Because this was a woman that
 16 was losing her obsession.

17 When I read this report, look, it was a
 18 toxic relationship, there is no question
 19 about it. Ezekiel explained it. He
 20 explained when we were away from each other
 21 it seemed better; when we were around each
 22 other, it wasn't good. But to try to
 23 suggest that he wasn't cooperating because
 24 he couldn't define his relationship -- I
 25 don't know whether you all have kids, but I

CLOSING ARGUMENTS

1 have four. I don't know what kind of
2 relationships they are in. I don't know
3 whether they were talking to people, what
4 that means, whether they are friends with
5 benefits. Certainly that is what Miss
6 Thompson described the relationship as in
7 February 2016 to the police when she said,
8 "we are friends with benefits." That is
9 not a girlfriend. Young people today
10 describe their relationships in all sorts
11 of ways. There is no question, and what is
12 absolutely clear and certain is that at
13 every moment of that relationship that
14 Ezekiel made it 100-percent certain that he
15 is not exclusive, that he is seeing other
16 women. She knew that he had a phone that
17 contained other women, and that was a
18 constant source of problems. It was a
19 constant problem, the fact that Ezekiel
20 wasn't going to be faithful to her and to
21 her alone, which caused her, to my belief,
22 to become more and more obsessed, which
23 culminated the week of July 16 to July 22,
24 starting with the lies to her Aunt about --
25 and basically coming up with bogus

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1 photographs that the doctors say couldn't
2 have happened. And as they went on, as she
3 believed that he was going to leave her,
4 when it became abundantly clear that this
5 was it, that is when her obsession and
6 paranoia became more real and came to
7 fruition.
8 Her conduct -- you know, you've always
9 heard the expression actions speak louder
10 than words. Her action speaks to a person
11 that was pathological, seriously
12 pathological. And why would she insist on
13 going to his birthday party, his after
14 party, when she claims to have made a
15 non-emergency call to the police just
16 before that, because she was obsessed.
17 Just like the harassment, just like the
18 continued phone calls.
19 When you are looking at her credibility
20 on that night, what stands out to me the
21 most and what to me is the clearest
22 indication of a person that not only is
23 pathological but is maniacal, that when she
24 was confronted with the overwhelming
25 evidence that she lied about the

CLOSING ARGUMENTS

1 altercation on July 22, what was her
2 response to the police? Did she admit it?
3 No. She did what a liar does, maintains
4 the lie. In the face of all the evidence,
5 she looked at the police officers and said,
6 no, I am telling the truth, everybody else
7 is lying; that is what a liar does. That
8 is just not credible. That is what this
9 case is based on, her. It doesn't go any
10 further than whether or not you want to
11 believe that Tiffany Thompson is a credible
12 person. You can't parse it. That is
13 convenient for Miss Friel to say, well, we
14 found her not credible there, but she is
15 okay here. It doesn't work like that; if
16 you are a liar, you are a liar.
17 I know that you can discard -- I know
18 that you cannot take into account certain
19 witnesses because of what they have said,
20 but certainly I don't think -- some things
21 stand out to me. Her friend, I think her
22 name was Sharon Lee, Lee Lee. After this
23 came to light, what does Sharon Lee do, she
24 continues to question whether or not she is
25 making it up. That's my reading of the

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1 report. She keeps asking her: Are you
2 making this stuff up? Why would a friend
3 do that unless that friend knew what she
4 was capable of?
5 What does her coworker, Matthew White,
6 tell the investigators. Now, they may have
7 had some beef in the past, but why is he
8 going to go out of the way to tell the
9 investigators that this person is shady and
10 this person is a liar. That describes this
11 person that made this complaint. That
12 describes the person that basically got
13 herself involved in a conspiracy to frame
14 Ezekiel on the 22nd of July, that doctored
15 evidence and sent it down to her Aunt on
16 July 18; that is the person that Matthew
17 White is describing.
18 He also incidentally describes a
19 situation, and there is nothing not to
20 believe him, that he saw her body during
21 the course of that week in a bathing suit
22 or underwear when she dove into a pool and
23 there was no significant bruising. I think
24 that is significant. Because when you are
25 asking why you would notice certain things

CLOSING ARGUMENTS

1 and not notice the other to Ezekiel, some
 2 things just aren't that noticeable, they
 3 weren't present.
 4 What is very disturbing with this --
 5 with her, I will call it with her scheme to
 6 frame Ezekiel. Let's call it what it was.
 7 When you incorporate others to perpetuate
 8 your lie about something as damaging and
 9 threatening to a young man's career as what
 10 she engaged in on July 22, that is what it
 11 was. But she even goes further. Not only
 12 does she deny it to the police in the face
 13 of uncontroverted evidence, she tries to
 14 further her scheme by deleting the very
 15 text messages that show her for what she
 16 was, by deleting the text messages to a
 17 friend, Miss Mason, Ayrin Mason. The
 18 investigation only got those text messages
 19 through Miss Mason; Tiffany Thompson had
 20 deleted them, hoping to get away with them.
 21 Look, when you have -- when you are
 22 judging credibility, and you have all the
 23 indicators there, you have a person who has
 24 been caught in lies, you have a person even
 25 this investigation can't believe, at least

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CLOSING ARGUMENTS

1 for one alleged incident, where she was
 2 caught in her conspiracy to frame Mr.
 3 Elliott, but she tells him on a parking lot
 4 that I am going to ruin your career. And
 5 she tells him that who would believe a
 6 black athlete over a white woman. You
 7 cannot trumpence that type of behavior, you
 8 just can't; this panel can't, it's not fair
 9 and it's not right. And it shows her for
 10 what she was. It shows her motive. She
 11 knew she was losing him. She was obsessed
 12 with him. She goes down to Dallas, tells a
 13 department store clerk that she is going to
 14 be moving there with him. And her life, as
 15 she knew it, as he began his new life in
 16 Dallas, as an NFL Football Player, she was
 17 losing her grasp, she was losing her grip.
 18 And this was her Hail Mary Pass, to use a
 19 football cliché. She decided, if I am not
 20 going to have him, I am going to make his
 21 life miserable.
 22 Also, it is interesting to me that that
 23 very night, that very night when she was
 24 threatening to ruin his career, there was a
 25 series of text messages where she is

CLOSING ARGUMENTS

1 saying -- and this also goes to how
 2 maniacal and how pathological and how
 3 cunning she can be. Because think of a
 4 woman that age that actually is hacking
 5 e-mails, and hacking iClouds and going into
 6 those devices and calling girls and making
 7 up stuff about Ezekiel, that takes some
 8 cunning. That takes some real effort to
 9 destroy another human being. And when she
 10 texts him on that very night, July 22, "You
 11 better be smart. No dumb man, bitch. Keep
 12 fucking with the wrong bitch. Not playing
 13 games. After party at Zeke's."
 14 Consider the context, that is on July
 15 22. He is telling her he doesn't want her
 16 there. She claims to have made this
 17 non-emergency call to the police, but yet
 18 her obsessions will not allow her from
 19 continuing to place herself in his company,
 20 with him, to get involved with women that
 21 just talk to him, which was the cat fight,
 22 to get involved with Tiffany Sandbothe, I
 23 think her name is or Tyler Sandbothe --
 24 MR. ELLIOTT: Taylor.
 25 MR. ROSENBLUM: Taylor Sandbothe. To

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1 confront anything in her path. But yet
 2 when the investigators confronted her to
 3 give an explanation about that text
 4 message, again, what does a liar do? Her
 5 first resort is to go to another lie. What
 6 she said was, no, really what was going on
 7 is even though I sent that text message, we
 8 were FaceTiming at the same time and he
 9 invited me. But then she was confronted
 10 with the fact that, well, that couldn't be
 11 true, because look at the stream of texts.
 12 Look at the text thread. And then she came
 13 off that lie and said, okay, maybe we
 14 FaceTimed after.
 15 And then when she says -- when she was
 16 confronted with: What did you mean when
 17 you're fucking with the wrong girl? Her
 18 response to that is: "I say things out of
 19 anger a lot." She does. He lived with
 20 her, and she does things out of anger, like
 21 trying to destroy this young man's career
 22 for no reason other than she is angry and
 23 other than she doesn't have him anymore.
 24 Fortunately, we have people like Ayrin
 25 Mason. Fortunately, the metadata reveals

CLOSING ARGUMENTS

1 the extent that which she would go, and
 2 those lies, we can discover it.
 3 It is also interesting to me that Miss
 4 Friel talks about witnesses that heard or
 5 witnesses that didn't hear. There is
 6 essentially no witnesses that observed any
 7 physical abuse, none. None whatsoever. We
 8 have, in fact, Miss Ayrin Mason that said I
 9 never saw any bruises until the incident of
 10 the 21st, when she claimed that.
 11 Again, understand, the bruises don't
 12 prove anything in the abstract; they are
 13 not self-proving. That would be like when
 14 Miss Friel was a prosecutor, she laid down
 15 an indictment. You have to give life to
 16 that indictment. The only person that
 17 gives life to any of these allegations,
 18 that gives context to any of these
 19 allegations is Tiffany Thompson. They
 20 don't prove themselves. So every claim she
 21 makes, every context of every picture she
 22 sent, comes through her, which we now know
 23 is absolutely incredible and proven to be
 24 incredible and unreliable. As opposed to
 25 the fact that we do have Alvarez Jackson,

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1 who said he didn't witness anything. Her
 2 friend, Miss Blades, I believe, said, I
 3 didn't see any picture, I didn't see any
 4 abuse until the Instagram photos. That is
 5 another close friend.
 6 So it's interesting, of all these
 7 friends that she mentioned that are going
 8 to come forward with relevant information,
 9 the only two that actually really decide to
 10 talk to the investigation discredit her.
 11 Where are those other people that had this
 12 relevant information and why are they not
 13 willing to step up? The answer is clear,
 14 they are not stepping up because they don't
 15 want to step into it.
 16 MR. ELLIOTT: Also, the night after the
 17 police came and the report was made and no
 18 one was arrested, the reason the picture
 19 showed up on social media, literally,
 20 immediately because as soon as she got home
 21 she took pictures, she wrote a long
 22 paragraph and in that paragraph she tagged
 23 @shaderoom, @TMZ. She just was trying to
 24 get me somehow. She didn't get me that
 25 night, so she knew if she did that, that it

CLOSING ARGUMENTS

1 would come to light.
 2 MR. ROSENBLUM: At the end of the day
 3 what this comes down to as we all knew and
 4 we all know is credibility. And can you
 5 rely on the credibility of Tiffany Thompson
 6 in light of what has been discovered and in
 7 light of the fact that she actually went
 8 out of her way and has been proven to go
 9 out of her way to frame this young man for
 10 something that didn't happen and
 11 incorporate her friends to further that
 12 conspiracy and that nefarious effort? You
 13 can't rely on them. That is what I think
 14 this investigation shows.
 15 MS. FRIEL: If I could, there is just
 16 one thing for the advisors, as they think
 17 about all these things, that I just want to
 18 correct. It has to do with the series
 19 three photographs that we were just talking
 20 about. And the comments that the doctors
 21 say these absolutely could not, these
 22 injuries, have been sustained during that
 23 week. If you read the report, the doctors
 24 are talking about: If you look at the
 25 photographs, based on how these injuries

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COLLOQUY

1 look in the photograph, how old do they
 2 look? And based on how they appear in this
 3 photograph taken in the bathroom, they said
 4 exactly what you said, they appeared older,
 5 a week, a week and a half. But they said
 6 the exact same think about the hickey on
 7 his (sic) neck, that is on 3E. We know
 8 because Mr. Elliott just told us, the
 9 hickey, he gave her that week. Yet, it
 10 appears, in this series of photographs, to
 11 be much older. Which may or may not have
 12 to do with the lighting in the bathroom and
 13 the coloring of the photos.
 14 Some of these other injuries that they
 15 said appear in these photos to look older,
 16 you see in later photos and if you read the
 17 report, the doctors say from their
 18 appearance, they appear recent, they appear
 19 like they happened that week. So I think
 20 it is just a little more complicated,
 21 probably a lot more complicated if you look
 22 at all the photographs and everything that
 23 the doctors said.
 24 MS. LOVELACE: I do have a question for
 25 you, Attorney Friel. The comment was made

COLLOQUY

1 that there were photos that, and so maybe
2 this is what you are saying, but I just
3 want to clarify.

4 I am so sorry, what is your name?

5 MR. ROSENBLUM: Scott Rosenblum.

6 MS. LOVELACE: Mr. Rosenblum stated
7 that there are some photos that couldn't --
8 that based on the timing of the photos
9 being taken, it seems like after; am I
10 right about that?

11 MR. ROSENBLUM: July 18 photos.

12 MS. LOVELACE: That this could not have
13 happened because Mr. Elliott wasn't even in
14 Columbus.

15 MR. ROSENBLUM: He didn't arrive until
16 the 16th. My position was that based on
17 the metadata, the doctor was saying ten
18 days old, sometimes two weeks.

19 MS. FRIEL: The doctors weren't saying
20 based on the metadata. The metadata shows
21 these were taken when they were taken, the
22 afternoon of July 18. The doctors say
23 clearly, absolutely right, the way some of
24 the injuries in this series of photos that
25 we know for a fact are taken on the 18th,

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COLLOQUY

1 about a day and a half after he got here,
2 from their appearance in these photos, they
3 appear to be over a week old, which would
4 be before he got there. And all I said is,
5 they said the same thing about the
6 appearance about this bite mark, hickey,
7 whatever we want to call it. Here it is in
8 photos also taken that week under different
9 lighting conditions, in which it looks
10 totally different and which the doctors
11 say, looking at it in this photograph, this
12 clearly happened that week.

13 There are other injuries, including
14 injuries on her arms, that they say the
15 same thing about from other ways they look
16 in other photographs.

17 MR. ROSENBLUM: My last comment, just
18 to clarify, the doctors talk about two
19 distinct injuries, not injuries, two
20 distinct marks on the hickey, and quote,
21 bite mark. So, again, the panel can read
22 everything.

23 I also think it is important to keep in
24 mind that I believe it was Miss Mason that
25 said the only injuries that I saw, the only

COLLOQUY

1 bruise that I saw before the 21st, was when
2 she sent me a bruise of her thigh and said,
3 "rough sex, LOL." So, again, that just
4 goes to Miss Thompson's credibility.

5 MS. WHITE: Just to make sure I
6 understand Mr. Elliott's position on this.
7 Both in that photo, I don't know which one
8 it is right now, but the hickey photo,
9 there are two, one that is more distinct
10 than the other. Both of those, in your
11 view, I think you told us were hickeys that
12 you gave her while she was in Columbus; is
13 that right?

14 MR. ELLIOTT: Yes.

15 MS. WHITE: What did Miss Thompson say
16 about the hickeys on that photo?

17 MS. FRIEL: When Miss Thompson's
18 attention was taken to that instead, he
19 says, you have a hickey on your neck and
20 she said, that's not a hickey. And I don't
21 remember exactly what she said, but she
22 seemed to contradict the idea that that was
23 a hickey. And I would have to look back
24 and see exactly what she said in that
25 regard.

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COLLOQUY

1 MS. LOVELACE: I have a couple more
2 questions.

3 One of them is -- so you all were --
4 Mr. Rosenblum, you were talking about
5 lifestyle. And you said that her lifestyle
6 was a situation where she was always
7 bruised, things can happen, she was
8 involved with different men, those kind of
9 things happen.

10 MR. ROSENBLUM: She works in a bar,
11 bottle service, falls.

12 MS. LOVELACE: There are lots of
13 circumstances with her life. He even
14 stated that he and Aunt Elaine are worried
15 about her safety about how she operates.

16 MR. ROSENBLUM: Right.

17 MS. LOVELACE: What I also noted
18 between the text messages between Mr.
19 Elliott and Aunt Elaine was from his
20 perspective questions about how she
21 conducted herself regarding going out all
22 the time, which was the language he was
23 using a lot, and being involved with other
24 guys, which was language he used a lot, and
25 her bottle service. Basically saying he

COLLOQUY

1 doesn't want to see any of that happening
 2 while he's paying for where she stays and
 3 her car. So my question is to Mr. Elliott:
 4 Why do you care about specifically why you
 5 made those comments about that, and I'm not
 6 going to be able to quote exactly, that
 7 while basically she is under your care,
 8 financial care, because he was clear there
 9 wasn't other care, but clearly there was a
 10 financial support, why does it matter how
 11 she conducts herself while she is under
 12 your financial care.

13 MR. ELLIOTT: Because the understanding
 14 was between all of us that I was helping
 15 her financially so she could better herself
 16 as a person. And at the time she was not
 17 in school. She was saying she wanted to go
 18 to school. Things like that. And instead
 19 of -- I was just trying to lay the ground
 20 work, like, okay, if I am going to help you
 21 out to better yourself, then could you
 22 respect my want for you to actually behave
 23 that way. Don't just -- that is what the
 24 understanding was, I was going to help her
 25 if she helped better her life, and she

COLLOQUY

1 that's what it was.

2 MS. LOVELACE: I definitely -- I hear
 3 you on that.

4 And there was a question about -- from
 5 Mr. Rosenblum. A question you said that
 6 Matthew White stated that there was no
 7 bruising that he noticed.

8 MR. ROSENBLUM: At a swim party Matthew
 9 White describes an event where Tiffany
 10 Thompson shows up with a girlfriend and
 11 they get down into their underwear and they
 12 dive into the pool. He also mentioned that
 13 they were drunk. I think that was July 19.

14 MS. FRIEL: Early morning hours of the
 15 18th or 19th? I have to look again.

16 MR. ROSENBLUM: That was the night he
 17 stayed out.

18 MR. ELLIOTT: So July 19.

19 MR. ROSENBLUM: Which is another
 20 example of other causes to the extent that
 21 those bruises are there when you are drunk
 22 at a pool party, jumping in pools, getting
 23 tossed in pools. What he said was he
 24 didn't notice any particular bruising at
 25 the time when she was in her bra and

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COLLOQUY

1 never did that.

2 MS. LOVELACE: Okay, and then --

3 MR. ARCENEUX: He never said, I don't
 4 want you to see any other men, he said, I
 5 will help you with the understanding that
 6 you are going to start trying to improve
 7 your life. If you enroll in college and
 8 want to become a nurse, I don't want you
 9 doing this, I don't want you in bottle
 10 service. That is not the career path that
 11 she was expressing that she wanted to go.
 12 He never said -- it never involved other
 13 men.

14 MS. LOVELACE: The reason I am asking
 15 that is because in the text messages from
 16 him to Aunt Elaine, he specifically talked
 17 about going out with other men.

18 MR. ELLIOTT: Honestly, like, if she
 19 get pissed off at me, so for real, to get
 20 back at me she is going to fuck a teammate
 21 or something. If you want me to help you
 22 out, you have to respect me. You can do
 23 whatever you want to do, but I just want
 24 you to respect me as a man and don't fuck
 25 my teammates. Excuse my language, but

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COLLOQUY

1 panties.

2 MS. LOVELACE: So my question is today
 3 Mr. Elliott said -- I don't remember
 4 exactly which bruises they were, but some
 5 of them he did notice, on the hips, which
 6 bikinis come below that, and in other
 7 places like arms, I think it was one that
 8 was on the upper arm, there were a few --
 9 there were probably about three or four.

10 MR. ROSENBLUM: Right, right.

11 MS. LOVELACE: So my question about
 12 Matthew then is if he didn't notice those
 13 but Mr. Elliott did, then what am I to
 14 think about his credibility?

15 MR. ROSENBLUM: I think Mr. Elliott
 16 would have had a greater opportunity and
 17 better lighting and more motive to notice
 18 more blemishing on Tiffany than a random
 19 guy at a pool party that said this girl
 20 worked with me. I don't even know how
 21 close in contact they were.

22 MS. LOVELACE: From what I am hearing
 23 you say, even his credibility -- I won't
 24 say credibility -- his awareness of her
 25 body is not necessarily that clear either;

COLLOQUY

1 am I to take that as --

2 MR. ROSENBLUM: Correct. I would think
3 it is not a big jump to say that Ezekiel
4 had much more opportunity to notice her.
5 They spent more time. They spent time in
6 better lighting conditions. I'm sure if
7 Tiffany was, as he described her, "rather
8 shit-faced," who knows how much he had been
9 drinking. I don't think that discredits
10 him; I think he saw what he saw. I don't
11 think he had the same opportunity.

12 MS. LOVELACE: And then my last
13 question, I'm sorry, but I am listening and
14 then remembering. I read this stuff word
15 for word because I was asked to do it, so I
16 try to. But there was a question about she
17 had just had her ass beat, my question is:
18 I didn't see a response back from Mr.
19 Elliott questioning whether or not she got
20 her ass beat, who beat her ass, the full
21 thing. It just was in the flow of
22 conversation. I was looking for it too.
23 It just went straight into the rest of the
24 conversation. So there was no highlighting
25 there, just her comment, so he didn't

E. ELLIOTT

1 BY MS. LOVELACE:

2 Q. This is her letting herself in?

3 A. Yes, this is her letting herself in.

4 Q. She has access --

5 A. Yes.

6 So when we talk, my friends go upstairs.

7 We are talking, "Please, get out of here. I don't
8 want you here." At this point, I am like, "Just
9 leave." I go upstairs to eat with my friends. We
10 picked up food. This is when that text back and
11 forth went. When were talking she's like, "I'm
12 about to ruin you," telling me this. I'm calling
13 for my friends, like, you guys have to come hear
14 this. "I'm about to ruin you. You about to see
15 what happens. I am going to ruin you."

16 The way she tried to ruin me before was
17 when in Florida she tried to say I put my hands on
18 her, and I never did that. And I knew what she
19 meant, and she knew I knew what she meant. When
20 we were having that text conversation, I wasn't
21 even playing into her game, I was, like, "Leave."
22 She was like, "I just got my ass beat." "No,
23 leave," like. That is when she told me she was
24 going to call the police. Then after she left the
25 house that day she called the police and made the

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E. ELLIOTT

1 question the comment.

2 So I am wondering why did you not
3 question her saying she had had her ass
4 beat? This was not -- maybe we would have
5 to pull it out and see exactly when it
6 happened.

7 MR. ROSENBLUM: It was on the 21st.

8 MS. LOVELACE: The 21st. So was that
9 around the time -- so I'm trying to --
10 because I do know there was the girl fight
11 too. So I am trying to figure out exactly
12 when all that happened.

13 MS. FRIEL: The girl fight was the next
14 day, the morning of the 22nd was the girl
15 fight. The ass beat text was the evening
16 of the 21st. And there was an alleged
17 incident the morning of the 21st.

18 MS. LOVELACE: So I am just
19 wondering --

20 MR. ELLIOTT: How it went down was, so
21 I returned from dinner with my friends and
22 I find Miss Thompson in my bed. We are
23 talking, I'm like please just leave my
24 house.
25

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COLLOQUY

1 non-emergency report.

2 Q. So you are saying that within context
3 you didn't have to break it down with her because
4 you felt like you already knew what she was
5 referencing, which was some other thing?

6 A. Basically she was just trying to scare
7 me like I just got my ass beat, that is how I am
8 going to ruin you.

9 Q. Thank you. Those are my questions.

10 MR. JONES: Anything else, Mr. Houston?

11 MR. HOUSTON: No.

12 MR. JONES: Mary Jo?

13 MS. WHITE: No.

14 MR. JONES: I think we're done for the
15 day. I appreciate your time.

16 MR. BIRCH: I am just trying to make
17 sure we are on the same page about the
18 follow-ups. So in terms of the submission,
19 give me your best idea of when you think we
20 can expect that.

21 MR. EHRLICH: I think we need to see
22 the transcript. I would like to look at
23 the transcript and then sort of circle back
24 and see what we think once we see that. We
25 got a 165-page document that we only got a

COLLOQUY

1 couple of days ago. We have almost 700
2 pages of exhibits. And then I don't know
3 how long this transcript is. But now we
4 have a little more definition as to what
5 you folks are thinking.

6 This is the first that we have been
7 advised that a failure to cooperate is a
8 potential issue here. And some of that
9 obviously we can eliminate. But I think it
10 is a little deeper than originally
11 anticipated.

12 MR. BIRCH: Fair enough. I want
13 everybody to take what they need for
14 everything to be substantive, but I will
15 continue to say that I am going to try to
16 ride herd on this as much as possible to
17 keep us within a tight, neat timeline as we
18 can to be fair to everybody. I am not
19 trying to be unfair to anybody, but I want
20 to make sure that everybody understands
21 that because it is in everyone's interest.

22 MR. EHRLICH: Understood.

23 MR. JONES: And the last thing I will
24 say, before we go off the record is, it
25 probably doesn't need to be said, but the

C E R T I F I C A T E

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2
3
4 I, Dena M. Sherwood, the undersigned, a
5 duly qualified and commissioned Notary Public
6 within and for the State of New York, do hereby
7 certify that the foregoing pages constitute a
8 true and correct transcript, that said hearing
9 was taken by me in stenotype and transcribed
10 under my supervision, that I am neither a
11 relative of nor attorney for any of the parties
12 to this hearing, nor relative of nor employee of
13 any of their counsel, and have no interest
14 whatsoever in the result of this hearing.
15
16

17 _____
18 Dena Sherwood
19 June 27, 2017
20
21
22
23
24
25

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COLLOQUY

1 understanding that this is in the cone of
2 silence, confidentiality is key. No
3 leaking about anything that has gone on
4 here because we are not at closure. I say
5 that just to make sure that everybody walks
6 out of here, advisors included, that this
7 is cone of silence. Confidentiality is at
8 the utmost until we get closure on it.

9 Thank you.

10 (Whereupon the meeting was concluded at 2:40 p.m.)
11
12
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